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AN

# ADDRESS

TO THE

LATELY FORMED SOCIETY

OF THE

# *FRIENDS OF THE PEOPLE.*

By JOHN WILDE, Esq. Advocate,

Fellow of the Royal Society, and Professor of Civil Law in the University, of Edinburgh.

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# *To WILLIAM CARLYLE, Esq.*

You remember, my dear friend, my having ſaid, in the days of our earlier intimacy, that the firſt work I ſhould publiſh, and with my name, I ſhould dedicate to you. This declaration was made at a time of life, when my future years danced before me in all the gay colours of the element; when youthful hope felt every obſtacle only as the young eagle feels the oppoſing breeze, and when even the utmoſt horizon of mental enjoyment was ſkirted with the richeſt livery of fancy. Some years (not very many) have paſſed over us ſince; and they have brought their changes along with them. Yet they have not much altered me; and you, perhaps, they have altered ſtill leſs. With a mind averſe to buſtle, and with a heart whoſe ſtrings were never tuned to any high ſtrains of ambition, your wiſhes were always far beneath your talents; perhaps, and for that very reaſon, beneath your duties alſo. You have relinquiſhed a profeſſion for which you were early deſtined and highly qualified; qualified in every way except the inclination. In the retirement of a country life, and occupied in your favourite

country labours, I know you experience that placid enjoyment, which is of all others the moſt delightful to your heart; but which ſtill might have been mingled with purſuits, not more honourable, yet more active; and which leading to greater eminence in life, would (in a mind like yours) have in no way impaired thoſe feelings, or weakened thoſe diſpoſitions, that were to adorn and exhilarate the years of declining age. You have, however, made your choice; and ſince you were reſolved, it is perhaps as well that you made the choice ſo early. You are neither a man of ſolitude, nor a man of change. You have not retired to live like a hermit, but to enjoy ſociety in the way you like it beſt. Your friends are ſure of your happineſs; they can only regret (what you will not regret along with them) your fame.

For myſelf, (if you have at all erred) I have ſinned perhaps in the contrary extreme. While the purſuit of my objects has been (generally taken) always meaſured and regulated, yet I certainly thought that circumſtances were more eaſily maſtered, than circumſtances either are, or ever ought to be. I have found that both men and things are not (as indeed they ought not) to be eſtimated in all reſpects, by the ſanguine calculations of untutored arithmetic. Even after experience ſhould have made me wiſer, my only conſolation has been, that wiſdom, when it does come, never comes too late. Yet though I have been ſometimes miſtaken in the

ſum-

ſumming, I have no reaſon to think that I miſapprehended the rules. I have had more occaſion to know men, than a leſs ſanguine temperament, and more deliberate conduct would have curbed. My opinion, I think, is made up for life. It is neceſſary that a man ſhould attend (and attend much) to his own individual intereſt; it is a very ſacred duty that to ourſelves, and the more ſacred that without it, we cannot well accompliſh our duty to our neighbour; but there is much more virtue than vice among mankind. The faery viſions of nineteen vaniſh with a few advancing years; but much reality ſtill remains of pleaſant early contemplation. There is no cauſe for any material change of conduct. I ſhall follow ſubſtantially the ſame courſe I have hitherto done; with mitigated hopes, but not with mitigated ardour.

You and I can thus ſtill converſe with one another on the ſame footing, and nearly in the ſame manner, as in more early years. I ſtill find myſelf equally diſpoſed to proclaim, and to honour myſelf with your friendſhip. I now fulfil my youthful obligation, with the ſame ſentiments I contracted it; and inſcribe the following Work to friendſhip and to you.

It is but a fragment; even of the bulk that it now appears. I mean by relating, in a friendly manner to you, the ſtory of its beginnings and progreſs, to ſupply and explain ſome of thoſe circum-

ſtances; of which the want or the obſcurity might make the thing be thought even leſs complete than it is. I ſhall go a good way back; and I ſhall ſpeak (which in ſuch a matter is by far the beſt way) juſt as if I were ſpeaking to you privately.

My political ſentiments you knew well; as indeed did all my friends; even thoſe with whom my intimacy was leſs than with you, and with a few others who had and have the key of my boſom. I never, as you know, and indeed as every body knew, (for I made it a point of honour to declare it,) belonged to any party in Scotland; though there were many of all deſcriptions very keenly beating up for volunteers. I called myſelf (and was) always a *Rockingham Whig*; and nothing elſe. So far as others thought with that connection, or appeared to think, I thought with them; and no farther: and to that extent my unſtipulated ſervices (ſuch as they could be) were in readineſs; at command, wiſh, or appearance of wiſh. I acted alſo on my own impulſe of conſcience. But the act was more delightful which fell in with common counſels; and of which the means and execution were of common contrivance and common toil.

It was eaſy for any one to ſee that (in Scotland) perſonal attachments or views of intereſt, (generally at leaſt) were the means which united men under the great diviſions of party; whether on the ſide

ſide of adminiſtration or of oppoſition. The reaſon of this, it was eaſy to ſee alſo. From the union of the kingdoms, down to within but a late period, (the cauſe of other great diſtinctions being done away) the only names of parties that remained, were thoſe of Jacobites and Whigs. Two rebellions, both originating in Scotland, tended to keep up theſe names with us, after a diſtinction of this kind in England was totally forgotten. Theſe events did more. They prevented the people of Scotland from obſerving ſo cloſely, as in England, the progreſs of government; and other cauſes concurring, that confined our attention here to home affairs, no ſyſtem of parties on either ſide was formed among us, by the events and meaſures of government, ſuch as were formed and exiſted ſo ſtrongly among our Southern neighbours. There were perſons, who were for more liberty; and others who were for leſs. There were thoſe who admired republics; and thoſe who venerated monarchies: ſome who ranged themſelves on the ſide of the people, and others who ſtood up for the throne. But theſe were all merely general principles, and applicable in no way to the body and ſyſtem of our conſtitution; far different from what had characteriſed Scotland in the periods before the union. The majority of the kingdom, perhaps, (from plain enough cauſes) cared not a great deal even about theſe general principles. It could not, therefore, be otherwiſe, (and it is in the

circumſtances no matter of reproach) than that no ſyſtem of principles, applicable to the duty of the ſeaſon, and combined with our conſtitution as it actually ſtood, could have been early formed in Scotland. The American war, and the events which followed it, brought in names of attachment; the firſt of the ſort ſince thoſe had fallen, that chieftainſhip conſecrated, or which marked the zeal of Jacobites and Whigs. Parties, too, being ſo far advanced, and in ſome reſpects far degenerated from their original virtue, in England, their corruptions (as will always, and naturally, happen to late imitators) were fully as much copied as their excellencies. The idea of attaching yourſelf to a party (and, in the indifference of political opinion, this might be done, though without any virtue, yet without any diſhonour) primarily to add ſtrength to your own intereſt, and to be borne forward to promotion on the general current, became in this manner too prevalent. It was the general feature of all Scottiſh parties. Yet I thought I ſaw the minds of many men forming to a connection (not excluding perſonal attachments; for theſe are eſſential to a virtuous and permanent party; nor forbidding to any perſon a prudent and regulated care of his intereſt; for that public virtue muſt be frail and uncertain, and indeed is none, which ſtates itſelf in regular oppoſition to private duties; but a connection) riſing from, and founded upon, a known and defined ſyſtem, appli-

cable

suble to the notions entertained by its members of the real constitution of the state; free from dangerous theories; not averse to improvements; linked together upon public principle, endeared and made strong in many instances by private friendship; and existing for great public ends. I cannot persuade myself that this was a mere vision. If it was, I am sure it was to me a pleasant dream. I thought the whiggism of the Rockingham connection was beginning to take root in Scotland, and that its branches were to wave over the land. This wretched revolution in France, among its other evils, has thrown us back, in Scotland, to where we were before; to vague, general, undefined notions, which may do much mischief, but never any good; or it has left us mere names of personal attachment, or mere views of personal advantage. While the prospect seemed the fairest, the sky was overcast, and the season changed; the vegetating warmth has ceased, and these "tyran-" "nous" blasts have "shaken all our buds from "blowing."

My sentiments of this great calamity that has fallen on France, and reached in its effects to other countries, were, at its beginnings, what at its beginnings they should have been. I thought the salvation of Europe was at hand. In the body of the work, I have told when and why I changed my sentiments; or rather *when* I found, by the evidence of facts, that all the sentiments I had cherished,

cherished, from the earliest record of feeling and intellect upwards, had been violated and outraged by the doctrines and proceedings in France. This was at a very early period of their iniquities.

It was long subsequent to this time that Mr. Burke's work appeared. The reading of that book, was an æra in the life of man. It is an enjoyment that can leave the mind only in the last glimmer of memory. I know not how any person resisted conviction. I had no need for conviction.

After the publication of Mr. Burke's work, (indeed a very few days after it) a paragraph appeared in an Edinburgh Newspaper, speaking favourably of the book, but charging its author with inconsistency. Immediately upon reading the paragraph, I sat down and wrote a page or two in answer to this charge; in which, from the collation of passages in Mr. Burke's speeches upon American affairs, and his bill of œconomical reformation, the consistency of sentiment, in the book on the revolution, was made out most clearly. It was sent away as soon as written; and was inserted. I have got it copied from the newspaper; and placed it below *.

From

* I observe in your Retrospect of Politics in the paper of Thursday evening, some remarks upon the publication of Mr. Burke, concerning the revolution in France.

These remarks, like the generality of those which appear in your paper, seem dictated by candour; but they do not strike me, like the generality, as the offspring of judgment.

In

From this time (though I ſaw all or moſt of the anſwers to the "Reflections" in their order, yet) I ſaw nothing that in the leaſt moved me to take any further notice of this ſubject, till I read at laſt, in

In theſe remarks, it is ſaid, that Mr. Burke's principles in this publication, however juſt in themſelves, are *inconſiſtent* with his antient doctrines and conduct, and indeed an abſolute *dereliction* of them.

I ſhould be ſorry were this true; for though obſtinacy in itſelf be no virtue, and though no man can be praiſed for inveteracy in error, yet conſiſtency in a ſtateſman, eſpecially in an old ſtateſman, is certainly the beſt, perhaps the only, at leaſt external, teſt of his political integrity. I can allow thoſe *who have not read the book*, or who having read, are intereſted to miſunderſtand it;—I can allow ſuch perſons to ſpeak as they pleaſe, without it ever moving my bile, or exciting even a tranſient frown. But, I cannot allow the errors of candid criticiſm to remain uncorrected. The *winged words* of John Horne Tooke paſs by me, (as I believe they paſs by every other) "like the idle wind which we regard not." The involuntary miſtakes of thoſe who wiſh to judge aright, claim attention, pardon, and reſpect.

The book upon the French revolution, maintains that the conſtitution of France ſhould have been rendered free, inſtead of being tyrannized over by a *wild democracy*, or trampled upon by an *ignoble oligarchy*. Is this tenet *inconſiſtent* with Mr. Burke's conduct, or a *dereliction* of his principles? I do not remember that he ever wrote or ſpoke in favour of the attempts of *Maſſaniello*, or in vindication of the power of the thirty tyrants of Athens. But to be more particular.

About twenty years ago, Mr. Burke publiſhed his "Thoughts "on the cauſe of the preſent diſcontents." This book was then, and has ever ſince been underſtood, as the confeſſion of the

in the Morning Chronicle, the letter of M. De Pont. From ſome circumſtances attending that letter, I thought it might be adviſeable, to detail more at length, and as in chronology, the matters of

the faith of the Rockingham Whigs. But the general principles of this book are, *in all reſpects*, the ſame with thoſe maintained in the book on the French Revolution. To be more particular ſtill.

In this laſt book, the battery of his argument is chiefly directed againſt the eſtabliſhment of government upon the metaphyſical principles of the rights of men; which principles ſerve only as the *juſtification* of liberty, not as its *baſis*. Fifteen years ago, when pleading the cauſe of the Americans, he ſpeaks thus (ſpeech for conciliation with the colonies, p. 85.) "It is a very great miſtake to imagine that mankind "follow up practically any *ſpeculative* principle, either of "government or of freedom, as far as it will go in argument, "or logical illation. We Engliſhmen ſtop very ſhort of the "principles upon which we ſupport any given part of our "conſtitution, or even the whole of it together. This is no- "thing but what is natural and proper. All Government, "indeed every human benefit and enjoyment, every virtue, "and every prudent act, is founded on compromiſe and barter. "We balance inconveniencies; we give and take; we remit "ſome rights that we may enjoy others; and we chuſe ra- "ther to be *happy citizens* than *fubtle diſputants*." Is it here Sir, that you find the *inconſiſtency* of which you talk? On the contrary, while pleading the real rights of men in the cauſe of America, you would imagine that this was a grave admonition to the diſputants of France, not to ſheathe their metaphyſic ſword in the bowels of their country. Again,

In the book of the French revolution, he condemns, and condemns ſeverely, the confiſcation of property in France; and

of fact as to Mr. Burke's conſiſtency; and though I never had been in the practice (and diſliked it much) of publiſhing any thing in a newſpaper, yet I ſaw no other way of compaſſing the matter here; and

and maintains that for any ſtate to rob its citizens on pretence of liberty, is complete tyranny. Ten years ago, in the ſpeech on his bill for "œconomical reformation" &c. his ſentiments are the ſame. (Speech, p. 61.) He is ſpeaking of the great patent offices in the Exchequer. "Theſe places" (he ſays,) "and others of the ſame kind, which are held for life, have "been conſidered as property. They have been given as "a proviſion for children: they have been the ſubject of "family ſettlements; they have been the ſecurity of creditors. "What the law reſpects ſhall be ſacred to me. If the "barriers of law ſhould be broken down, upon ideas of con-"venience, even of public convenience, we ſhall have no "longer any thing certain among us. *If the diſcretion of power* "*is once let looſe upon property, we can be at no loſs to deter-*"*mine whoſe power, and what diſcretion it is, that will prevail* "*at laſt.*" So far, Sir, from *dereliction* of principle, theſe words might be made the motto to the book on the revolution of France.

Many other ſimilar paſſages have ſtruck me within this half hour. But the bounds of your paper cannot admit them. Indeed to any one, even ſlightly acquainted with Mr. Burke's writings and his conduct, the exhibition of ſuch paſſages is ſuperfluous. The flame of liberty which burns in his breaſt, has never been employed to ravage or deſtroy, but to cheriſh and illuminate: It has never ſpread like wild-fire, but aſcended in a ſteady and orderly blaze, to that heaven from which it came. His exertions in favour of the people have always been the exertions of a whig and a royaliſt; two words which never were ſeparated in the antient vocabulary of Engliſh free-

and I determined accordingly to tranſmit three or four letters, (to exhauſt the ſubject as I then thought,) for publication by this mode in London. However, writing on, I ſoon found, that the matter carried

freedom; two words which his great and enlightened friend has never ſeparated; and which are bound together in the manly policy of the whole houſe of Cavendiſh. The name of Whig includes oppoſition to the abſtract rights of government, ariſing from the illimitable nature of ſovereignty, when urged in defiance of the rights, the ſecurity, the peace, the proſperity, of the people.—A Whig, therefore, oppoſed the American war.—The name of Whig, includes oppoſition to the abſtract rights of men, when employed, not to vindicate freedom, but to overturn all legitimate government. A Whig, therefore, oppoſes the democracy, or rather the oligarchy, of France. In both he is conſiſtent. Were he to act otherwiſe, he would be inconſiſtent in the extreme. He would ſhew that he had no zeal for the cauſe of the people. He would ſhew that he did not bear, (what Mr. Burke mentions as his grand inducement to the bill of reform) *a ſettled, habitual, ſyſtematic affection to the cauſe and to the principles of government.*

It is ſaid in your paper, that *Ariſtocracy* is now the ſame as *Toryiſm.* Sir, if Ariſtocracy be Toryiſm, there never was a Whig in England. They were not Whigs who placed our William on the throne. Even Sidney, Ruſſel, and Locke, were not Whigs. The firſt and laſt of theſe great men, were political writers. They had to oppoſe the ſtupid ſtuff of Filmer. They had accordingly to go more into the elements of government, than there is any occaſion in our days. But they would be aſhamed indeed, were they now to know, that thoſe, whom they had taken ſo much pains to teach, were not yet got beyond their accidence; and had yet to learn that, in all

free

carried me into a much larger field than ſuited a plan of this ſort. It was drawing near the time of our ſpring vacation, in the Court of Seſſion; and I laid aſide my papers till it ſhould arrive,

With

free governments, though they do not form an excluſive portion, yet the *optimates* always will, and always ought to give the predominating colour to the ſtate.

Theſe great men were alſo religious. Mingling their fervour for liberty, with veneration for its great cauſe, they would indeed have rejoiced in our days, to have beheld a free conſtitution in France, preſented as a peace offering to the ſuperintending benignity, that watches over the human race. But they could not have borne to ſee the mangled limbs, and ſcattered members, of their fair and venerated mountain nymph, devoted with *Canidian* invocations to the *Dii manes!*

But I am ruſhing far beyond my deſign. My deſign was merely to ſhew, that Mr. Burke had been guilty of no dereliction of principle; and I have ſhewn it. I mean to make no panegyric of this great man. It is not every vulgar throat, that is fitted to tune the hymn of praiſe to the benefactors of mankind.

If in any part of the book on the revolution in France, any perſon thinks he can ſtill point out any inconſiſtency, or dereliction of principle, he ſhall have from me, if he deſires it, a ſimple and a ſober anſwer. I am not of conſequence enough to tell who I am; but neither am I aſhamed to own myſelf. My principles, I am ſure, are not ſervile. I have not ſufficient foreſight to predict, whether my country be like to ſuffer moſt from the illegitimate influence of the crown, or the equally illegitimate influence of the people. I have not lived long; but I have ſeen it ſuffer from both. As I have hitherto lived, however, ſo I hope I ſhall, in the worſt event, have the courage to die, in the principles of a ROCKINGHAM WHIG.

With occaſional interruptions, I went on during this time, having formed my plan; and had carried it to more than half the ſize of this book, by about the middle of May. At that time the melancholy news arrived (more grievous to me; ſome of our common friends witneſſed it; than any public event that ever happened) of the great debate on the Quebec bill. Its effect upon me, was a reſolution to put my work to the preſs immediately. I entered into a correſpondence on the ſubject; but the lateneſs of the ſeaſon, the thing not being completed, and other circumſtances which it is needleſs to mention, prevented this from taking place at the time. I then alſo received the *Vindiciæ Gallicæ* from my friend Mr. Mackintoſh. It was a work that deſerved to be pondered indeed. Our court had commenced the ſummer ſeſſion. My book was laid aſide for the autumn vacation; which I had reſolved to appropriate to that purpoſe wholly. The autumn vacation came; but I found neither time nor inclination for writing. It was *multum et præclara minatus;* and nothing more. Something was added about the end of the ſeaſon; and the whole affair fell aſleep. In that ſtate it now lies.

It was in this ſummer of 1791, that the firſt meeting was held at Edinburgh, to celebrate the fourteenth of July. It was, in general, as I have always underſtood, a very reſpectable meeting; and I know certainly that it was attended by

ſome perſons, with the very beſt views; and who would have honoured any meeting or place. Theſe were not circumſtances to repreſs, but rather to call out indignation. I again uſed the channel of a newſpaper. I believe what I wrote was by ſome blamed, and by ſome lamented. It was written very hurriedly, very early in a morning on the day of publication; and in leſs than three hours. They were, however, and are, my cool and deliberate ſentiments. As a further proof *of my own conſiſtency* (and as compared with what will be found authenticated in this *Addreſs*) I have placed this letter likewiſe in a note below *. It was my only exertion.



* Sir,

Having obſerved an advertiſement in the Edinburgh newſpapers, by which certain Gentlemen announce their intention of dining together, in commemoration of the French revolution, upon the 14th current; I venture through the channel of your paper, to addreſs them in as few words, as the occaſion will permit me to employ.

As it is proper that every dining, or ſupping, or debating ſociety, or whatever elſe the purpoſe of the meeting may be, ſhould have ſome appropriated name, you, Gentlemen, have choſen to diſtinguiſh yourſelves, by the ſtyle and title of, *The Friends of Liberty in Scotland.*

Liberty is a good thing; and a friend of liberty is an excellent character. Being not naturally diſpoſed to think ill of mankind, I am exceedingly willing to think well of you from your title.—At the ſame time, experience has taught me, that it is neceſſary ſometimes, to put our inſtincts under the

The *Appeal from the New to the Old Whigs* had contributed indeed ſomewhat to ſlacken my induſtry; at leaſt my indolence repoſed on it in the way of excuſe. Indeed the "Appeal" precluded

the tuition of our judgment There are ſo many quacks who now adminiſter boluſes of freedom, that the patient is juſtifiable, though diſtruſting the wig—and the ſnuff-box—and the cane—he ſhould demand a ſight of the diploma, conferring the degree, which gives the power to kill or to cure.

Where then, Gentlemen, did you obtain your degrees? What profeſſor of freedom inſtructed you in its ſcience? What courſe of ſtudies have you gone through? What ſpecimens of your knowledge have you exhibited? As a lover of liberty in general, I am entitled to aſk theſe queſtions. As a Scotſman, I am particularly intereſted in the anſwer to them. For though a degree gives the licence (if I am rightly informed) to practice *ubicumque terrarum;* yet you, in your great goodneſs, have choſen to advertiſe as reſident practitioners for Scotland.

Poor Scotland, it muſt be confeſſed, has been long in a bad way. She is certainly much obliged to you for your attention. But before ſhe goes to the diſpenſary, which you advertiſe to open on the fourteenth, ſhe muſt be forgiven if, in the firſt place, ſhe very naturally inquires concerning your abilities and character.

According to your own account, you have ſtudied the theory and practice of liberty, in the college of the rights of man, lately eſtabliſhed at Paris.—Having ſome predilection for the older ſchools, I muſt frankly own, that this circumſtance carries to my mind no recommendation.—The anatomical ſchool there ſeems, indeed, to have exemplified a bold theory, by a ſtill bolder practice.—Imitating the Egyptian ſchool recorded by Celſus; the anatomiſts of Paris have dealt

cluded all ſort of defence; but what I had written went much farther than defence.

With reſolutions overcome, as ſoon as they were formed, by occupation or idleneſs, I was awaken-

 ed

dealt only in living ſubjects. The reeking hearts of *Foulon* and *Berthier*, and many more, minced down by the profeſſors, while palpitating under the diſſecting knife, are bold evidences of their zeal. They have even far outdone the original by their copy. The Egyptian practitioners diſplayed their art only upon condemned criminals, given up to them by the law. Your profeſſors dragged from before the ſeat of judgment men uncondemned, men even unheard, men whom the judges even of democracy endeavoured to protect, or at leaſt pretended to do it, and, ſtretching them on the diſſecting table, demonſtrated to their ſtudents, amidſt the writhings and convulſions of expiring nature, the means, ends, and objects of the rights of men!

Studies of this kind, do not qualify for practice in Scotland. The doctors of Paris will get no eſtabliſhment here. Other teſtimonials of ſkill muſt be produced, than the purchaſed diploma of a mob. Till then we muſt (though as civilly as we can) decline the honour of your attendance. To you, Gentlemen, we have no objection; but we do not like the ſchool in which you have been taught, and we think very ill of its doctrines.

What is it that rational men can find to applaud in the revolution of France? Is it the capture of the Baſtile?

Gentlemen, when I firſt heard that this fortreſs was demoliſhed, I rejoiced as much as any of you can do. If eating and drinking are to be reckoned the appropriated and legitimate marks of applauſe, I ſhould have met with you any where, and ſhould have ate myſelf (had you demanded it) into a ſurfeit, or drunk till my eyes reeled in their ſockets.

Indeed

ed only by the eſtabliſhment and manifeſtoes of the *Society of the Friends of the People*, begun at London in ſummer 1792. I then wrote a few pages; which form the beginning of this addreſs.

I

Indeed I did conſider it to be a great deliverance. Little did I think that this fortreſs was demoliſhed, only to make a Baſtile of all France. Little did I imagine that is was demoliſhed by ſavages, and not by heroes. But its captors did not leave their nature long in queſtion. They have publiſhed their own annals, and recorded their own triumphs. Read them, Gentlemen; tell me if all the centuries of the Baſtile can equal the months of their domination. When *Arné* mounted its walls, I had figured to myſelf the ſhades of patriots long departed, the *Bruti* and *Sidneys*, and all the ſpirits of the illuſtrious dead, hovering in air over the battlements, ſmiling upon the children of liberty in France; and my ſoul, in imagination, flew to join them. Alas! Gentlemen, it was no ſuch heavenly viſion! the demons of perdition rode in the air! The towers of the Baſtile fell before the incantations of the enemy of man! The ſhades of the brave and free, did not tune their heavenly harps to the immortal ſong of liberty! The ſpirits of the abyſs diſcordantly howled the dirge of the human race!

A man in whoſe mind the very *name* of freedom, did not raiſe ſtrong emotions, and who judged of every thing merely in reaſon, might have condemned the taking of the Baſtile by an armed mob, during the ſitting of an aſſembly, whoſe buſineſs it was legiſlatively to correct the eſtabliſhments, and aboliſh the evils of France. This he might have done even though as ill informed of the cauſes and ends of this demolition, as myſelf, and moſt of the inhabitants of this country, were at that period. This he might have done, even conſidering this capture in all the light colouring, in which the ſongſters of the

day,

I have mentioned there alſo the way in which (after again ceaſing) it was reſumed.

It has been gone through with great interruptions; and in the very middle of many other



day" (ſome of them, I am ſorry to ſay it, female ones) have decked it. But this I could not do. The exceſſes of new born liberty muſt have my pardon, becauſe in ſimilar circumſtances they might have had my participation. But when it became evident that the deſtroyers of the Baſtile were to be the tyrants of France; when they deſtroyed all government but their own deſpotiſm; and eſtabliſhed a *ſyſtem* of cool and deliberate murder; my ſoul turned with abhorrence from theſe men of blood; nor can I conceive how any human creature can now, by any ſelf illuſion, continue to allow the falſe glare, and affected ſplendour of this capture, to play about his fancy, and prevent the eye of reaſon and natural feeling from fixing upon its obvious cauſes and effects; both of them ſuch as to degrade and vilify the nature of man.

If it is not the capture of the Baſtile, ſurely, Gentlemen, it is not *the fifth and ſixth of October*, that you mean to celebrate. Even in Paris itſelf, theſe days are not defended. I cannot conceive they ſhould be applauded here.

However, in this ſtrange hiſtory of the triumphs of France, it is not eaſy to ſay what may be done. Paris has lately witneſſed another triumph; more execrable far, in my opinion, than even the infernal proceſſion of October 1789. I do not know, Gentlemen, what you think of this laſt triumph; but I know to a certainty, that he who can endure the one will applaud the other.

I really do entreat your attention, Gentlemen, while I venture to place the late tranſactions in Paris, for a few moments under your view, and to aſk whether a revolution, which can permit ſuch things, deſerves to be celebrated by human beings.

We

things. I had got to to the length of the thirty-firſt page, when the news arrived of the firſt days of September. It was afterwards laid aſide for a time; and a very long interval took place during the

We are every day told, that a revolution cannot be effected but by blood. So far as this propoſition applies to the vindication of the revolution in France, it takes for granted what the hiſtory contradicts.——A revolution had taken place in France, a complete revolution; and the hair of not one man's head had been touched in all her borders. It is the deſtroyers of this revolution, who have ſpilt the blood of France. The armed mob who legiſlate for it, and who ſtyle themſelves the *nation*, wiſhed a revolution of their own making. In all reaſon and argument, this revolution ſhould be vindicated before it be praiſed. We know that they have deſtroyed the ſtates which they themſelves called for. They have given us no reaſon to think that they were wiſer and better at this laſt period, than they were in the former. But before you ſhed blood, you ſhould ſhew reaſons.

But how is it that blood has been ſhed in France! Has it been in generous and manly contention! Has it been in open and honourable ſtruggles! Blood has been ſhed "in the "olden time," and it has dignified that very humanity which it ſeemed to outrage. But is it thus in France? Alas! Gentlemen, how dreadfully the reverſe! In France, the curſe of the prophet has met with the moſt awful completion. Her "ſlain men are not ſlain with the ſword, nor dead in battle!" Mean and cowardly aſſaſſinations have uſurped the place of honourable warfare. Every thing diſgraceful and degrading, ferocious and brutal, every thing that contaminates and pollutes the human mind, are now the characteriſticks of a nation; once in gallantry of arms and heroic ſpirit, the model and boaſt of Europe.

This

the winter. I had much beſides to do. It does not become me to ſay what I have done (and I am very ſenſible of what ought to be done) in that ſtation to which private friendſhip, without



This is indeed a miſerable revolution! Much blood has been ſhed in this way. But it is not the numbers they have murdered, that ſo much conſtitute their crimes; dreadful as this conſideration is. It is the principle of murder (eſtabliſhed as the firſt grand inference from the code of the rights of men) that is the moſt horrible.—The moral politics of the *Old Man of the Mountain* excepted, and thoſe of the gang of fanatical aſſaſſins whom he reared, nothing has hitherto appeared in the world, ſimilar to what is now to be celebrated as liberty in France. The wiſdom and goodneſs of the Almighty, I reverence too much to challenge. Yet the argument for an evil principle (could providence allow things to remain as they are in France) would receive a confirmation, which all the perverted ſcience of the human mind had never been able to give it in any former age. They do not even murder with the humanity of the old murderers. They cut mens' hearts into quivering morſels, ſmall enough to be pecked by a ſparrow.

Is this the anniverſary, Gentlemen, that you are about to celebrate! Is this the liberty, which is to be held a boon from the Creator to the human race! But we muſt turn our eyes from ſuch objects. Circumſtances equally degrading are to be found. None can be found ſo horrible.

What do you think, Gentlemen, of the treatment of the King and Queen of France! I am not going to talk of the merits of different forms of government. If the French wiſh, or if you wiſh, for a democracy, many good men (though I do not admire their wiſdom in it) have done the ſame. But in that caſe, why do they keep their King and Queen? Two human beings kept

political aid in any quarter, and even without my ſeeking, has raiſed me. But it has been a great labour in that place, to put together (had there been beſides it nothing elſe) the mere letters of the alphabet

for the ſole purpoſe of being inſulted, is an inſtitution good for no government, either in theory or in practice. To all human feeling it is moſt mean and ſavage.

But the French keep them as hoſtages againſt the evils of war. And I have heard people who pretend to be men, that think this a good reaſon. I do not mean to argue with ſuch perſons. All the injuſtice that ever was committed may be ſo vindicated. But ſuch policy is as falſe as it is wicked. It muſt infallibly produce war. Thoſe who regard the King and Queen of France, cannot long endure to behold them the ſport, inſtead of the Sovereigns of the people. They would rather ſee them not exiſt than exiſt thus. The brother of the Queen of France muſt be deſtitute, not of the feelings of a Sovereign only but of a man, were he not to attempt her reſcue. In the proſecution of this enterpriſe, it would be falſe humanity alone, that could turn him aſide from his purpoſe; though he ſhould ride up to the ſtirrups in blood, from the banks of the Rhine to the gates of Paris! War never was juſtifiable, if not in ſuch a cauſe. Thoſe who think that ſovereigns are made not to be obeyed, but inſulted, are preparing for their country the greateſt calamities. They have already incurred the horrid guilt of murder. They may ſave their country (it is the only way *they* can ſave it) by having now incurred the guilt of war.

Who is the King that the French thus cowardly and atrociouſly inſult!—Your own Mr. Paine tells you, Gentlemen, that he is the moſt benevolent of men. He tells you that there is as great a difference between Louis the Fourteenth and the preſent Monarch, as between *tyranny* and *benevolence*.

He

phabet themſelves, in ſo great a variety of combinations. In this ſituation, if what I did as to this work had not been a labour of love, it could not (im-

He tells you that the *practice* of deſpotiſm had ceaſed during *all* his reign. This King did not oppoſe the freedom of France; he yielded much more than any King ſhould have yielded to his people. Why then, in the name of outraged humanity! Why keep him for a ſhow and deriſion to the loweſt vulgar; as a practical example of contempt for all government; and a means of infuſing a cowardly inſolence and baſe cruelty into the minds of a whole people!

Who is the Queen thus perſecuted by the French! Are you, Gentlemen, aſſembled to inſult over female miſery! An old poet tells us, that

> " Mightieſt hands forgett their manlineſſe,
> " Drawn by the power of a hart-robbing eye,
> " And wrapt in fetters of a golden treſſe."

I am afraid that the ſentiment is now more antiquated, than the ſpelling. That revolution of character in France, which has taken away the reverence of ſex, is the moſt debaſing thing that has yet happened in the univerſe.—It is no wonder that they are murderers, who can ſavagely rejoice, as the beings miſcalled men that inhabit Paris do, over diſtreſſed female beauty.

Can the French allege any thing againſt this Queen! Have they even attempted, at any period, to charge her with oppoſing the gift of a free conſtitution! No man, in or out of their aſſembly, has ſaid it. Calumnies of another kind have indeed been propagated, with an induſtry formerly unknown, even in the proſelytiſm of religion. A love for anecdote is conſiderable at all times. In this age it is almoſt inſatiable. A man believes almoſt before he hears; and as there is not much faith of another deſcription, we ſeem reſolved to com-

penſate

(imperfect even as it now comes forth) have ever, by any means, been accompliſhed.

Its general ſtructure was thus planned; admitting, in its very ſcheme, great latitude and variation.

After

penſate infidelity of one kind, by credulity of another. I have read much about the Queen of France; and I am ſtill an unbeliever. But even among the faithful, among the true believers in that moſt neceſſary article of the new French creed, which regards the fame of the Queen of that country, what perſon can be found, who will maintain in argument, that theſe calumnies have any connection with her conduct as a ſovereign! No perſon will do this but a madman. I cannot eaſily gueſs, Gentlemen, what you preciſely propoſe to yourſelves, as the object of your meeting. It is, however, ſomething political undoubtedly. Grave as you may be, and demure and ſaturnine; much as you may lament the vices of the age, and groan in ſpirit over the licentious manners too prevalent in our faſhionable circles, I am pretty confident, at the ſame time, that you do not meet together, for the purpoſe of hearing or delivering ſermons againſt female frailty.

I intended, Gentlemen, to have converſed with you at ſtill greater length. But I find that this is not a ſubject of ſhort diſcuſſion. I have hardly begun when I muſt finiſh.—At parting, let me only tell you, that it does not follow that the French are free, becauſe they call themſelves ſo. When the monſter Caliban was admitted by Stephano the butler to *lick his ſhoe*, he felt and expreſſed himſelf as the Pariſians do. Elated with this honour, and in a paroxyſm of joy, he ſcampered about ſhouting, "Freedom! hey day! hey day! Free-"dom! Freedom! hey day! Freedom!" I have too good an opinion of you, Gentlemen, to think that you will adopt Caliban's chorus to any of your conſtitutional ſongs.

DECIUS.

After ſome introductory remarks, three great views were to be taken. The beginnings of the revolution in France, its pretences and ſpirit; the former government of that country; what, in the revolution, might have been done, and what was done. Next, the ſyſtematic and principled doctrines of party in England; the old conſtitution; its eſtabliſhment at the revolution, after the tyrannical adminiſtration of ſhort and calamitous times; the cauſes and principles of that event; the policy of the ſucceeding reigns down to the preſent; and principally (to which the reſt was preparatory merely) the hiſtory of parties in this reign; the grounds of its policy and its conſequences. And, in the end, the new doctrines of change, (particularly as maintained with ſuch force and dexterity of argument by my friend Mr. Mackintoſh) were to be examined; in the principles upon which they were put, and in the inferences which neceſſarily followed from them. In theſe three views, it was to be ſhewn (taking them ſeparately and in conjunction) that the ſchemes held out by the newly formed ſociety, and according to what they ſet forth themſelves, ought to be abandoned, as dangerous in the undertaking and pernicious in the effect; as of perilous example and unfounded theory; equally repugnant to the conſtitution of this country, and to the principles of the great Whig party, to which the aſſociators (or moſt of them) had belonged.

I thought to have comprehended all this in a moderate ſpace; but it has not been done. Very little more has been accompliſhed than the firſt view; upon which my original deſign was to have ſaid not a great deal. Even with regard to it, as conſidered in its extent, much remains unfiniſhed. I have glanced at the other two matters; but only glanced.

It was evident, that upon ſuch a plan I had given myſelf much range. My great buſineſs was with the ſociety and their ſchemes and principles; and with the whole general doctrines of reformation and change that have gone abroad among the people. The narrative of events, or the production of documents, were only ſubſidiary things. Meditation was free; and I might follow its impulſe unreſtrained, when I thought that it pointed in the line of my ſubject. All the three views had much in common. No laws of method required me to delay what was ſtrongly ſuggeſted, and ſtrongly illuſtrated, by the events detailed or the documents produced, till its own appropriated place ſhould come in artificial (or, as it might be, in arbitrary) arrangement. Following natural aſſociation, I was moſt likely to follow natural order. I was not writing hiſtory primarily; but bringing hiſtorical facts to reaſon for me, or to ſupport my reaſoning; reaſoning at all times (which otherwiſe is a moſt idle or a moſt pernicious thing) conſolidated with, drawn from, and founded upon them.

Accord-

Accordingly, while I have not been able to reach the other parts of my ſubject (what I have graſped of them in their place being only as an handful) yet, in ſeveral important points, theſe other parts will be found in what I have ſaid on the firſt portion of the ſubject. As to the facts, without which I proceed in no caſe a ſingle ſtep, and as to their fairneſs, fullneſs, and authenticity, I have ſaid enough of this in the work itſelf; where I have ſaid very little.

Such was my plan; and ſuch has been its failure and accompliſhment. Great differences of time (even in the ſhort ſpace of its compoſition) muſt be obſervable, but were not to be removed. Otherwiſe I muſt have written twenty books. The days of the French revolution, have been like the prophetic days; days of years.

It is neceſſary, perhaps, that I ſhould ſay ſomething as to ſome of theſe differences. There are ſome of them ſuch that I might otherwiſe incur the diſpleaſure of miſtaken Engliſh generoſity; a puniſhment which would to me be very ſevere.

I have ſpoken in terms of the higheſt reprobation, of perſons who have fallen from great power. Even thoſe who think with me otherwiſe, might point to their priſon walls, and aſk me whether I ſhould not now be ſilent. I ought not to be ſilent.

My natural diſpoſition is to be on the ſide of miſfortune and weakneſs; to an exceſs of feeling that is

per-

perhaps criminal, and moſt certainly is not virtuous. I ſhould be grieved indeed, were it wholly beyond the controul of reaſon. I have no pity for thoſe perſons, in whoſe caſe pity has been ſought to be excited for purpoſes the moſt unworthy. The beginners of the French revolution, and who carried it actively on as the leaders, till the eſtabliſhment, (if it is ſo to be called) and after the eſtabliſhment, of their firſt conſtitution, were juſt as criminal as thoſe who now are execrated over all Europe. Marat, Petion, Roberſpierre, Briſſot, and all the other horrid names of the beings in Paris, contending or in union with each other, and who now form the only ruling power in France, were many of them members of the firſt National Aſſembly, and all of them known agents in the buſineſs of the revolution, from or nearly at its commencement. There is no difference of mind. It is an error in fact, but an error in its conſequences much worſe than of fact, to have the perſuaſion that there is any difference. Some difference from education and habits of life, there may have been. Democratic crimes might in ſome inſtances wear ariſtocratic livery. But this was no palliation. The leaders in the firſt National Aſſembly (among whom Petion and Roberſpierre held a very diſtinguiſhed place) were equally bent upon deſtruction, and with the ſame motives, as thoſe who have deſtroyed them. Many of them are not deſtroyed. Was there not Camus? and is there not Sieyes?

Sieyes? is there not Rabaut? It was a mere war of factions for victory. There are deadly hoſtilities (it is ſaid) now among the conquerors: among the murderers of Auguſt and the murderers of September. Hell is the place of diſcord; and wickedneſs is no bond of union to devils. It would be criminal in the extreme, to allow the feeling of compaſſion to ſubvert utterly the ſentiments of reaſon and juſtice. Even the humanity of the tendereſt heart (all the circumſtances being known) would find that real compaſſion (here as in every other caſe) was linked moſt cloſely with truth and virtue. Their demands would make the heart firm; nor even with a prediſpoſition to weakneſs, could external circumſtances of diſtreſs turn aſide the ſtrong reſolution of his judgment. His ſentiments of ſevere and neceſſary juſtice would unwind themſelves (even in ſuch a man and in ſuch a heart) with the ſlowneſs of an eight-day clock.

I am not pronouncing ſentence upon any man. That belongs to power, which I neither have, nor wiſh to have. I am not even entitled to give counſel to thoſe, who may "regulate the ſtate (if "ſuch ſhould be their fortune) with a diſcrimi-"nating, manly, and provident mercy." Such things are not mine. But it is mine; having undertaken to ſpeak the truth; to ſpeak it when neceſſary, and to juſtify it when ſpoken. Far be it from me, to inſult calamity! Far be it from me,

with

with the knowledge, to make the apology, of guilt and crime!

More might be ſaid; but he who reads the book with attention, will aſſuredly think that I have ſaid enough.

One or two paſſages in the book I have taken out altogether. Not that my opinions on theſe things have changed; but their remaining could have ſerved no purpoſe of utility; might have even been productive of evil. I mean paſſages relating to Mr. Pitt and the preſent adminiſtration.

As a Whig, I muſt condemn, and have condemned, the violation of the conſtitution of England in 1784. It was neceſſary even to expreſs this; as making part of my argument in a portion of this work. But with all this, I am Mr. Pitt's liegeman, and do him homage. His acquiſition of power has my deteſtation. His employment of it on frequent occaſions, has my ſevereſt cenſure. Could ſuch a thing be ſuppoſed as an attempt to conciliate me by any favour, it would be refuſed. But as a free citizen of this country, and as a loyal ſubject of my King, the preſent adminiſtration has my heart and my hand; my ſure exertion and my fixed confidence. In ſuch circumſtances, it would be abſurdity and wrong to ſpeak of what has been, forgetting what is; unleſs where the paſt may guide the preſent, and enlighten the future; where inſtruction is held forth or is obtained, and not a channel merely ſought for the flow of even honeſt indig-

indignation. I have therefore not unſaid, but omitted to ſay, many things; which in other circumſtances would have been brought forward, without malevolence but without diſguiſe.

It is thus not likely, that I ſhould do myſelf any ſort of ſervice by this publication. Some of our friends have thought that it might be much the reverſe. It has even been ſaid, that it might hurt me much in my profeſſional purſuits at the bar; and great diſſuaſion on this ground was uſed, till it was too late for diſſuaſion.

This conſideration is a very ſerious one. In the performance of duty, it is indeed mean and unworthy to heſitate at danger. Yet there is nothing more apt to lead the mind aſtray than the idea of making a ſacrifice. The perſon acquires a ſort of merit in his own eyes (the illuſion is indeed generous where it is an illuſion) by which duty is eclipſed in the ſenſation of glory. Such a feeling may lead both to act and to reaſon wrong. In ſuch a ſituation we are too apt likewiſe, to imagine that the ſacrifice may be more neceſſary than in fact it is; and to eſteem it more efficacious, than it ever can be. But before we throw away any thing, two circumſtances are very neceſſary to be conſidered; the value of the thing in poſſeſſion, or in proſpect, to ourſelves, and the advantage which the cauſe of truth may acquire by our riſking it. If this laſt be not of a very important and neceſſary ſort, it is miſtaken feeling, we may almoſt always

be ſure, and not rational duty, that dictates the ſacrifice, or encounters even the hazard of it.

I have examined my mind upon this queſtion; and I think ſeverely. I am perſuaded that the call is authoritative. I am certain that it would be a narrow and unwiſe prudence (if ſuch a name can be coupled with ſuch epithets) which ſhould lead me to ſhun any danger there may be. More than this; it is a matter of neceſſity. If I were not to do, what I am now doing, and to perform a duty for which I am furniſhed with the means, I could never afterwards promiſe myſelf, in any future period of my life, to enjoy any thing like human ſleep.

Nor do I think (after all that has been ſaid to me,) that the danger is great. The riſk lies chiefly in the conſideration, that to be much engaged in other inquiries, indicates a mind not ſufficiently ſettled to profeſſional purſuits; and it has been added, that, in the preſent inſtance, this general conſideration acquires much weight from the particular nature of the work in queſtion. Men will not reckon their deareſt concerns ſecurely placed in his hands, who can find time to buſy himſelf ſo much in the concerns of Kings and kingdoms. They will employ others, who will dedicate their time only to their proper buſineſs; and whoſe ſpeculations only follow in the track of their fees.

The opinion of the world is certainly not to be

flight-

ſlighted; which holds a man very cloſe to his profeſſion, and eſteems general accompliſhments (even where they are poſſeſſed) but little in compariſon with leſs equivocal attainments. Eſpecially this opinion is not to be ſlighted by me, whoſe frame of mind (as you well know) is ſuch, that the profeſſion of the law, as it exiſts in this country, touches more nearly, in exertion and proſpects, than any other (however honourable, yet leſs active) occupation. You know that, in my diſpoſitions and wiſhes, (while I would neglect no duty of another ſtation, and even fulfil that duty with much and real pleaſure) I would yet prefer ſpeaking the jargon of a *ſide-bar*, in a two-penny halfpenny cauſe, to the fame to be derived from academic diſcourſes, that ſhould rival the philoſophic eloquence heard in Athens of old. But all this notwithſtanding, (both conſidered as in itſelf and relatively to me) proves no more, in a call of imperious duty, than that an explanation is due to the world of the motives and the ends of conduct. That explanation is given here; and the book itſelf will give it. No perſon ſhall ever accuſe me of any want in reſpectful attention to the opinions of others. Still leſs ſhall any one ever reproach me with having ſurrendered my own conſcience of duty, to external hopes or external fears.

I think, therefore, that the danger is both to be ventured; and that it is not great. At all events, perſeverance and attention will overcome it. Of

the firſt quality I have as much as I can have. Diſappointments have, in all caſes, only increaſed it. By a mental proceſs, which has uniformly taken place, even pleaſure has always been extracted from them. Perhaps, my friend, you may ſmiling ſay, that I have then had frequent occaſions of being pleaſed.

With this reſource then, I may after all face the warning I have heard given, that he who chooſes to be of counſel for his country may chance to have no other client; and that to add to the misfortune, this only client will be one who gives no fee. It may be in the natural courſe that the thing ſhould happen; and in the natural courſe too, that it ſhould be put aſide by reſiſtance. Rational riſk is even often rewarded by fortunate gain.

Men may act ill (very ill) from other motives than ſelfiſh. It will be difficult indeed to impute any thing in this book to intereſted conſiderations; but (for this reaſon) the abſence of theſe is no juſtification of what is otherwiſe unjuſtifiable. Perhaps it adds to the injuſtice; and certainly to the folly. I have, therefore, been at pains to ſhew that what I now do is in itſelf an act of virtue; and that it does not loſe this quality when viewed relatively to me.

The immediate and ſtrong cauſe (as I have already alluded to, and have mentioned in its place) of my reſuming this work when it had been laid aſide after writing a few pages; and without

which I do not know that general impulſes of duty would have had ſufficient ſtrength to carry me onward; was the indignation and horror that filled my mind at acts of wickedneſs (not worſe in themſelves perhaps, than what went before, but) accompanied with and cauſing circumſtances of ſuffering, ſuch as had never been known hitherto among men. I have expreſſed myſelf, accordingly, on this ſubject, in language ſuch as my feelings produced; giving my mind its full ſcope, nor attempting (which I could not have done) to reſtrain it. It has been conſidered in the hour of calmneſs (as far as the ſoul in ſuch things can be calm); and juſtice has pronounced the ſame ſentence with indignation. Things have not happened wholly in the line of my forebodings. Yet all is not over ſtill. There has been alſo a bloody accompliſhment. As to the lady who yet lives, and who ſurpaſſes in nobleneſs all that has yet been in human exiſtence or human thought, compaſſion as to her even in miſery unheard is now ſcarcely felt in more than human admiration!

I have little more to ſay, my friend. Meaning this as a ſort of preface (even in my talking with you) I ſhould here mention ſome matters which are uſually put in ſuch things. Mention is made (in page 122) of a learned judge ſtill living, as being our only Scottiſh antiquary. He was then alive; and it is needleſs indeed to ſay, that he was the late Lord Hailes.

There

There is one note alſo to be found in the work; which I ſhould be ſorry wereit (as it may be) miſunderſtood. There has been no oppreſſion uſed (that I know of) in this country, to ſuppreſs the dangerous conſpiracy againſt our nation, in any open, overt, judicial act. What has been done in that way, has been mild and manly. In other reſpects; a mind that is ſore at the inſolence of individual power might obſerve in ſome caſes and hear of as to more, (and with much and cutting pain in the obſervation) a ſpirit which befitting democratic violence and pride, was alien indeed to monarchical freedom and juſtice. There certainly were ſuch things; or ſuch things certainly were ſaid to be; and he who ſaw or heard of them could not refrain (at the time) from what was the conſequent natural expreſſion. I have had a ſtruggle after all, whether I ſhould not take it out; and it is allowed at laſt to ſtand only on account of the ſtruggle.

I owe it alſo to Mr. Horne Tooke, to ſay, that the *winged words*, alluded to in the letter formerly inſerted, are not the winged words of Purley. Of them (with all that is in that book that ſhould not be in it) there are few greater admirers than I am. The winged words that I mean, were uttered in the revolution ſociety, a day or two after the publication of the Reflections on the Revolution in in France. And like all the words uttered there, or on any ſuch matters, ſhould never have eſcaped the *fence of his teeth*.

Nothing

Nothing elſe (I believe) is to be found in the book that does not explain itſelf. I remember nothing that does not.

And now (leaving you, my friend) I throw myſelf upon the world. I confeſs that, after all, it is not without ſome fear. It is a new and ſtrange ſituation to me. I could almoſt turn back. It is a perſonal appearance too, that I make, and not by proxy; for this book is (and ſuch a book muſt be) juſt myſelf.

You were rather before my time; and I was not certainly (when we firſt knew each other, in very early days) entitled to ſay that I had any opinions of my own. Yet it has happened, that future years have only been their developement, and not their change. My manner of expreſſing them too is not altered; and I believe cannot be altered. You will find me here juſt the ſame perſon as long ago; in my feelings and in the expreſſion of my feelings. Indeed both you and I, in the diſcording harmony of our natures, could ſtill paſs through the ſame enchantments, and be raiſed to the ſame raviſhing delights, as in thoſe days when Mrs. Siddons (for which our eternal gratitude is her due) ſublimed our ſouls to that reach of felicity, of which the memory might in after life drive away (while itſelf remained) all poſſible human pain and ſorrow. You will find me (as you have found me) ſober too.

I am

I am (and always will be) too little of an author, to have conſulted upon what I have ſaid any one but myſelf. In ſuch a work eſpecially, a man muſt be his own adviſer. No one has ever ſeen any part of what now appears, unleſs it was caſually and in ſome tranſient glance; except in one particular inſtance. Some part of the beginning (the firſt 100 pages and more) were ſeen, at his own requeſt, by a man of high ſtation in Scotland; whom I ſhall not name; becauſe I have on his part (and without the ſmalleſt title to it) experienced at all times much countenance and kindneſs. My praiſe can have no merit but its ſincerity; and its ſincerity (in his relative ſituation and mine) is to be beſt found in this ſort of ſilence.

What was ſeen is equally my own with what has not been ſeen. Were any ſentiments to be found here not mine, it would be a ſin without expiation. It is a dreadful thing when a man commits that.

I ſhall mention one thing more. I never (as you know) was in company with Mr. Burke but once. It was a long time ago; and in a large company; nor, were I now in London, would I be entitled to leave a card at his door. I have thought it neceſſary to mention this.

EDINBURGH,
JUNE 21. 1793.

# AN ADDRESS, &c.

GENTLEMEN,

YOUR name is a name of great attraction: At the ſame time, as I have ſome dread that your union is of a portentous nature, and that it will in the end be a gathering of all the ſcattered clouds of democracy in this realm into one black tempeſt, the thunder of which is to ſtrike on the fabric of our conſtitution, you will permit me, in this Addreſs, to call upon yourſelves, and upon the people, the object of your proffered friendſhip, to conſider well the nature, the means, and the purpoſes of your aſſociation.

I uſed once to honour myſelf, and to be honoured by others, with the name of Whig. I know not, Gentlemen, whether now you will diſpute my title. From what I ſee (yet probably I am wrong) you ſeem to think the appellation not

worthy of being diſputed. I would call myſelf a Friend of the People too, were it not that in this name I ſee nothing definite, while in the other I have the principles and practices (and both recorded) of memorable men, to meaſure my own principles and my own practice; and were it not that hiſtory has informed me over and over again, that thoſe who called themſelves the Friends of the People (and their race is not likely to be yet extinct) have too freequently been their decided foes.

Yet I do not mean to call you ſuch, Gentlemen: Indeed I am far from thinking that almoſt any man whoſe name I have yet ſeen in the liſt of your ſociety, is deſerving of this criminal appellation. Certainly your leaders do not deſerve it. No, Gentlemen: even in this tranſmigrated ſtate, you can ſtill be recogniſed; your *form has not yet loſt all its original luſtre:* Even while (hovering over the brim of the democratic gulf) your rays are ſhot only parallel to the earth, you ſtill retain ſomething of your former ſplendor. Alas! why do they remind us alſo of darkneſs coming on, of your ſun being about to ſet! *Ruit oceano nox.* The ſtars of democracy, you may ſpangle its midnight ſky; you will no longer illuminate the univerſe of freedom.

I am far from loving your opponents. By theſe I do not mean the ſheer democratiſts, the

*preux*

*preux chevaliers* of the rights of men, becauſe I do not know exactly the point of oppoſition betwixt them and you (I hope there will be no conjunction) and becauſe my contempt of them is ſuch, that I can inſtitute no compariſon between them and any rational men. I mean the preſent adminiſtration. I am indeed far from loving them. But this certainly is not the place, neither is it the ſeaſon, for declaring paſt political averſions, or inſiſting upon paſt political guilt. In all their actings alſo the people have followed their heels; and this, perhaps, may excuſe them in your eyes, though it is far from doing ſo in mine. It is impoſſible that with my principles I ſhould love theſe men. It is impoſſible that with my principles I ſhould not make a common cauſe with them when they defend (be it through ambition or any other evil motive) that conſtitution, which their ambition has after all been unable to overturn. While that conſtitution remains, while the fabric of our mixed monarchy ſtands, neither miniſterial violence nor deception can produce more than partial and tranſitory evils. While this is the caſe, the people will always have ſufficient power (they may ſometimes want the feeling which cauſes the exertion) to throw down all oppreſſion, and all the means and the movers of it: This we have experienced in all the periods of our hiſtory. If that conſtitution be once done away, if we throw

off the ſacred armour of our anceſtors (bleſſed and conſecrated by them at the altar of freedom) as an incumbrance in the purſuit of the novelties of the day, we ſhall then indeed be ſhorn of our ſtrength, and, the ſpirit having departed from us, become the eaſy ſlaves of any miniſter, though he may neither have the courage (as he will not have the occaſion) to employ violence, nor the ability to practiſe deceit.

Could I bring you, Gentlemen, to this way of thinking, I ſhould reckon that I had done a great good. Your talents are reſpectable, your influence is much. You are neither the whole, nor the principal part of the old Whig intereſt. You formed, however, no inconſiderable portion of that noble race, to whom this country owes all its happineſs and glory. One or two among you have ſeen the older times. The reſt (I talk of ſuch as are public men) came into the ſervice of the State, practiſed in the antient diſcipline. It is painful to think, that you ſhould put yourſelves to learn the new evolutions under the drill ſerjeants of France.

But you ſay (or it will be ſaid for you) that this is not the caſe. The reformation you propoſe has nothing in common with what has been done, or is doing in that country. It is Engliſh (you aſſure us) "Engliſh all from top to toe." A good writer

writer of prologues (perhaps ſome of you may remember) has told us, that a vapid French tranſlation was generally thus introduced to our ſtage. I much fear that yours is of the ſame ſort; except that it will not be quite ſo harmleſs.

However, the conſideration of this queſtion is of great importance. It offers a number of reflections, worthy, I believe, of your very ſerious attention. I ſhall uſe the freedom of dwelling upon them at ſome length.

In the advertiſement which you have publiſhed in the newſpapers, which may be called the articles of your copartnery, or (more properly) the confeſſion of your faith, I ſee nothing which condemns, in any one reſpect, any one part of the French Revolution. On ſuch a ſubject, it is impoſſible not to have formed ſome opinion, and if of condemnation, not to expreſs it. There may be very ſubſtantial reaſons for withholding applauſe: The opinion which you have formed, muſt therefore be favourable to the actions and to the actors in that event.

Every perſon admitted into your Society (you have declared) muſt qualify by ſubſcription to your *formula*: and in this you certainly act right; how far conſiſtently is another matter: Accordingly, the man who ſwallows your *teſt*, and by theſe means gets a footing on your *eſtabliſhment*, muſt virtually (yet ſubſtantially) approve of the pre-

ſent French Conſtitution, and of the mode and the means by which it has been generated and is upheld. This appears to me inevitable.

I know that now it is the cant among ſillier men than you (and it is the cant among wicked men alſo) ſome deluding and ſome deluded, that the French Revolution is not to be confounded with the principles and proceedings of the Jacobin club, or of the other component parts of the ſovereignty (ſuch as it is) of that miſerable nation. But I do not believe that this ſort of language will iſſue from your aſſociation: You are too well informed not to know that France is at preſent defiled with fewer crimes than at any time ſince the maſſacre of the bloody and infamous fourteenth of July 1789 *. You are too well informed not to know that the declared code of the French rights authoriſes the Jacobins (and the reſt are juſt as bad as they) to do all they have yet done, and to do more. You know that it is only from the commenced hoſtilities having attracted the more particular notice of the people in this iſland, that the mingled fooleries and barbarities of the French are now more ſpoken of than formerly. It is from this circumſtance only (as you well know) that good natured men believe, and ill deſigning men give out, that *La Fayette* the King's jailor, and the head conſtable of the Pariſian watch, is now

* This was written before the the 10th of Auguſt; and yet, perhaps, after all, it is hard to ſay—I am not a good balancer of crimes

now the friend of the French monarchy. Alas! the conſtitution of French *liberty*, which retained the King, was as hoſtile to monarchy and to man, as the revolution of French *equality*, which will probably ſoon put an end to his royalty and his wretchedneſs together, and which, though more frightful, is perhaps, for that very reaſon, leſs alarming to the intereſts of the human race.

This laſt ſentence (after this projected addreſs had been thrown aſide for a conſiderable time through other avocations) is written, now that La Fayette has found it neceſſary to eſcape from his own troops, and is ſaid to be a priſoner. My opinion of him is notwithſtanding (it will always be) the ſame. None but an unprincipled and low mind (taking this man in his beſt view) could have borne his ſituation for a day.

Gentlemen, you ſay that you wiſh for a moderate and meaſured reformation. I ſincerely believe that moſt of you do. The clamours of your enemies againſt you, in this reſpect, are falſe and ſenſeleſs; and they know ſo themſelves. But, Gentlemen, look at France.

I am not going to talk to you any common places. Our conference will be long enough, (and important enough too) to prevent any thing from being in it, that ſhould not be in it.

I mean alſo to ſpeak to you with calmneſs, and coolly. Beſides the propriety of the thing in itſelf, it is my only chance to make any impreſſion

on you. But my heart is really oppreſſed; it is weighed down. There is ſomething in the diſpenſations of Providence in this age, beyond all human reach of thought, myſterious and awful.

In my preſent temper of mind, I cannot ſpeak to you. My eyes are turned; my whole thoughts are centred on Paris. It was by a ſudden impulſe, connected with what is now doing there, that I again run to theſe papers. They might otherwiſe have been neglected long, long. It ſtruck my mind that I might by their means think aloud upon the moſt injured and the nobleſt of women.

Certainly ſhe is ſo. It is a ſpectacle ſuch as no hiſtory has recorded. Nothing like it was ever brought by the imagination of poets into any dramatic fable. The dignity is unparalleled. The miſery is unparalleled. Her afflictions have been heavier than any ever known. Her conſtancy has been greater than any ever exerted. It has been a mild conſtancy too; a conſtancy as mild and ſerene as it has been undaunted. In former ages there have been high minded and heroic women. Yet they have, in general, had too near a reſemblance to the minds and to the heroiſm of men. It is not ſtern philoſophy in the Queen of France. It is not imperious and haughty boldneſs. Her firmneſs and courage are ſoftened and graced by all the feminine affections and beauties. She is the tender mother, the affectionate wife, the heroic queen, and the lovely woman.

And

And muſt this lady, "fairer than feigned of old or fabled ſince," muſt ſhe, with all her virtues and all her attractions, be given up ſo early a ſacrifice to the cannibals of France! Ah! with what different ſentiments did ſhe, in the ſpring of her life, enter that once gay and happy land, happy even under all the evils (and many real evils there were) of the old ſubverted government! With what different ſenſations, after reſiding ſome years among a people who adored her, did ſhe ſee herſelf become their Queen with ſtill increaſed adoration! With what happy auſpices did this reign begin! It was ſcarcely poſſible that France ever again ſhould be engaged in a continental war. Beſides the dowry of her beauty and her virtues, this Queen brought to her kingdom the fair portion of perpetual peace with that formidable and hoſtile power, betwixt which and France an animoſity kindled centuries before, and frequently maintained with bitterneſs and rancour, had drained the beſt blood of both countries, and deformed the face of all Europe. This violence was now to expire for ever upon the lips of beauty, and this fortunate woman was to compoſe the tumults of the nations with her ſmile. Except our mad and wicked attempt againſt our colonies of America, nothing could have diſturbed the univerſal repoſe. In France itſelf the reign began with conceſſions. Acts of benignity every where marked the ſteps of the young ſovereigns. A QUEEN had not been ſeen

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in France for a long, a very long period; and ſuch a Queen, ſo lovely in her perſon, ſo popular in her manners! The French were ſatisfied, and happy beyond all former memory. They were acquiring beſides, (gradually and in meaſure) new privileges, and obtaining freſh benefits, every day. Nothing was wanting but to give them that conſtitutional ſecurity by which his ſubjects might truly ſay that the benefits of their ſovereign were become their property, and to be the birthright of their children. The King for this purpoſe, called together his States. They have degraded, impriſoned, dethroned him: They now threaten to murder him, his wife, and children, and to maſſacre all his family and friends, who have not by flight eſcaped from their fury. In the country of France there are now left neither laws, nor morals, nor manners. As to its inhabitants, " their places " know them no more." It is a nation " ſcattered " and peeled:" Every thing good, and generous, and honourable, and manly, having left, or having been driven from the ſoil; there now only remain, not to dwell in the land, but to deſolate it, hordes of wandering ſavages, whoſe journies to and from their chief encampment at Paris, are marked with rapine and blood; while the void which has been left by the flight of all the better ſorts of citizens, is filled up by the influx (like the ruſhing into a common ſewer) of all the filth and offscourings of Europe. Such has been the ſtate (the dreadful

ſtate)

ſtate) of this ancient and renowned kingdom; of this country to which nature had been ſo laviſh in her bounties, and where art had done as much as if nature had done nothing: Such are the calamities which have afflicted it now for more than three years, ever ſince the fatal and execrable day, which ſome Engliſhmen have not been aſhamed to place in the holy calendar of freedom!

Yet, however melancholy, there has been nothing miraculous in theſe deteſtable affairs. The mine was laid, the matches were ready, in the ſeaſon of ſecurity and happineſs. Before it was ſprung, a variety of philoſophical fireworks, leading to the train, and emblematical of what was to ſucceed, were played off in the eyes of the people. From the amiable manners, from the known courage, from the feminine ſweetneſs, joined with the wiſdom (which had it not been hers might have been called manly) of the Queen, there was great danger that the people might neither be amuſed into miſchief, nor even afterwards reaſoned into it by the politic philoſophers of the day. It was neceſſary therefore, to ruin her influence. Literary hirelings, a plague like ſome other plagues peculiar to modern times (whoſe exiſtence counterbalances, perhaps more than counterbalances all the benefits derived from the invention of printing); literary hirelings were immediately ſet to work to deſtroy this formidable obſtacle to the ſucceſs of their ſchemes. The people of France had hitherto (that

(that is the mere people) not read much. Like all other people of ſcanty reading, they were ready to believe (as they believe ſtill) that whatever is printed is true; unleſs where it is marked out to them by their teachers as heretical, and then even to touch the book is a ſin. It is in this way as to the *State*, and with regard to public matters of every ſort, that theſe poor miſerables are now taught by the political doctors to believe, and tremble, and perſecute, and murder. With that claſs of people too, upon whom the literati had to work, theſe gentlemen knew (it is no great compliment to their knowledge, but they knew) well enough that the *credo quia impoſſibile* was a circumſtance of great power. The more incredible and flagitious the calumny happened to be, the greater notice it would command. It would be talked of the more: and that their deteſtable fabrications ſhould be talked of, was all they needed, and therefore all they wiſhed for. In the mean time the forge in other reſpects was not idle. The great bellows never ceaſed blowing, nor did the anvil ever ceaſe to ſound, upon which they hammered out the philoſophic panoply of the rights of men. As to the King, he was ſoothed with the ſweeteſt accents that philoſophy could borrow from the muſic of the ſpheres. They never approached him but with the moſt ſugared words in their dictionary. His Queen, too, was treated by the *magnates* of ſcience with great reſpect. The abuſe was left to the lower forms; but

who

who have ſince made themſelves ample amends by leaping as (they ſay) the young frogs do upon the old frogs backs. All this flattery, the King (and very naturally) took for truth. Unfortunately for himſelf, for his family, for his kingdom, for this age, and for, perhaps, more than this age, he believed their acknowledgments of his benevolence and worth to be as ſincere as his own feelings of them.

It is in this manner that France has been ruined. It is in this way that its king and queen are now a prey to ſavages; that they are now, merciful God! ſhut up in a den to gorge the ravenous maws of monſters who eat and drink human fleſh and blood! That the moſt cruel inſults and the moſt ſtudied ſhame, prolonged by a mercileſs barbarity hitherto unknown amongſt mankind, are likely to cloſe that train of miſeries, which for ſo long a time have, as it were, conſtituted the exiſtence of theſe benevolent ſovereigns! That after having been made to die in circumſtances of ignominy unutterable, amidſt the revilings and execrations of ſhameleſs women, the mangled limbs of the moſt beautiful princeſs the world ever ſaw, may be ſcattered and inſulted by the loweſt trull that follows the knapſack, and is ſubſervient to the deſires of the loweſt ruffian in this camp of ſavages! I believe in God; but my blood runs cold.

If this unexampled iniquity ſhall be added to the other horrors of France, what is to become of that

that nation! Events are in the hands of the Almighty. That league which, joining humanity to policy, is now in arms under the moſt accompliſhed ſoldier and man that Europe has to boaſt of; that combination juſtified at once by duty to themſelves, and by benevolence to others, may have the power to avenge inſulted humanity of thoſe crimes which vilify and pollute our nature. It may have the power to prevent the continuation of thoſe crimes. The howlings of democracy, the diſmal yells of thoſe troops of cannibals hunting in all directions for their prey, at which exiſtence itſelf ſickens and the heart of man dies away within him; theſe, perhaps, may ceaſe to ſpread their terrors through this ſpoiled and ravaged land. The earth may not always mourn, nor the heavens above be black. Darkneſs may not continue to overſhadow their bounds. The morning may begin to ſpread upon the mountains, and the ſacred influence of light diſperſe the lowring gloom which now inveſts that country. Inſtead of the tumult and din of their anarchy, the "human *voice* divine" may yet be heard. The antient ſpirit may yet revive. The cry of *Bourbon Noſtre Dame*, and *Montjoie St Denys*, may again reſound through France. Yet, after all, how ſhall the calamities be repaired of this vexed and ruined nation! How long may it be before "the years are reſtored, "that the locuſt hath eaten;" before that vegetation which was opening in France, under a pure air

air to a mild ſun, ſhall recover from the venom and canker of vain ſcience, and falſe imperious philoſophy; from the ſtarleſs night and inclement ſky, in whoſe palpable darkneſs and chilling damps, every principle of life and animation was loſt and extinguiſhed! Indeed, it is impoſſible to ſay at what period, or by what means, the malignant influence of thoſe who were called to promote the happineſs of this kingdom, and who met in "ſynod unbenign," to ſhower down their curſes upon it, may be either wholly or partially done away. It is a labour worthy of the wiſe and good; if in the ways of Providence the wiſe and good ſhall obtain the neceſſary power.

When I think of theſe things, when theſe ſtrange proceedings, theſe unheard-of enormities, preſent themſelves to my mind, I tremble, Gentlemen, and am afraid. My eye cannot look upon them ſteadily. My ear cannot hear them without a ſort of horror. With the firmeſt conviction that, as a body, and taking you generally (perhaps it may be the caſe even with every individual); with this full conviction, that nothing is farther from your minds than to create any confuſion in the country, nay, that not only negatively you wiſh no evil, but poſitively intend and wiſh to do a great good; notwithſtanding this, what has been done in France (even were what you hold out to us as deſirable as it is the contrary) would lead me, and I think ſhould lead you, to oppoſe the adoption, or to abandon, it if adopted,

adopted, any ſchemes of any kind, of which either the ſubſtance conſiſts in, or the parts in any way depend upon, abſtract reaſoning and ſpeculative reformation; I beg your attention, Gentlemen, to what I am now going to ſay.

Are you certain that there are not any other deſcriptions of men in this kingdom who go (ſome of them more, and ſome of them leſs, as among each other, but all of them) much greater lengths than you? Were you to anſwer me pertly (though at the ſame time it would be fillily) you might ſay: "So much the better for us, this evinces our moderation." But the replication would be obvious; "That timidity does not always argue leſs wickedneſs, and that degrees of guilt will never make "virtue." You will therefore, take no ſort of credit to yourſelves in this way. You will not extol your own honour by ſetting it in oppoſition with the ignominy of others. You will not relieve the brightneſs of your own virtue by the ſhade of thoſe crimes which others commit, or may wiſh to commit. You will not hold out as the proof of your own temperance, that others are intemperate and wild. You will not inſiſt that we ſhould conclude you to be peaceable, merely becauſe there are others whoſe hoſtility is indiſcriminate, ungovernable and rancorous. You will do none of theſe things. If your honour, if your virtue, if your peaceableneſs, your moderation, are not manifeſt of themſelves, and by your own principles and acts,

you

you would be aſhamed (and it would, beſides, be idle in you) to demand that we ſhould hold you poſſeſſed of theſe qualities, becauſe others want them ſtill more than you do. Accordingly, upon this we can have no diſpute.

That ſuch deſcriptions of men exiſt, and not only exiſt, but act, we all know. Indeed, were there no other reformers than you, gentlemen, it would be a very palpable argument againſt your cauſe. It would naturally be inquired, both why you were ſo few in number, and ſo late in action. Thoſe grievances (it would be ſaid) muſt be difficult to find, which have been diſcovered only by a handful of men. Thoſe evils muſt be young and recent, which required an aſſociation, only of the other day, to point the arm of the public againſt them. Indeed, there would be little occaſion for any aſſociation at all, as theſe embryos of miſchiefs, thrown out from the womb only a few days ago, might be trodden under the foot, or cruſhed betwixt the fingers of the paſſenger. Even thoſe that did not die a violent death, had the chance of dying a natural one; and not having had time to arrive at the ſize or ſtrength of propagation, more of them would daily be going out of the world (beſides the original fewneſs) than were coming into it. It would, therefore, be much worſe for you, gentlemen, were there not (as there are) other reformers. The exiſtence of that might certainly be

 denied,

denied which ſo few had ſeen, and which theſe few beſides had ſeen only ſo lately.

It is certain then, that a bolder ſet of reformers are a-field than you. Their game is a-foot, and they are keen of the ſport. "A cry more tuneable," as they think, "was never halloo'd to nor cheer'd with horn." And this being the caſe, there is room for much and deep reflection on your part, gentlemen. The matter is exceedingly ſerious.

Though you do not wiſh to go all the lengths that they do, yet your conduct enables them to accompliſh their purpoſes much more eaſily. It does worſe than this. It renders it almoſt impoſſible (that is if you meet with any ſucceſs) that they ſhould not accompliſh them all, or nearly; and, indeed, if nearly it muſt be all.

That it renders the accompliſhment of their purpoſes more eaſy, is very plain, Theſe men, "in all the world's new faſhions planted," who have "a mint of phraſes in their brain," and whom, (according to their own account) "right and wrong have choſe as umpires of their mutiny," can, notwithſtanding, when occaſion requires it, let themſelves down to the level of leſs exalted underſtandings. They will not ſeek to be admitted into your Society. At leaſt, if any do, it will only be thoſe who are either honeſter, or more aukward than the reſt in contriving and executing miſchief. But letting you go on ſoftly and eaſily, and ſeeming to care nothing about you, they will ſay thus to the world, and a great part of the world indeed will

will ſay it to themſelves, without any body ſaying it for them; they will ſay, Do you not ſee how well founded our complaints of this fooliſh Conſtitution, which Engliſh bigotry is ſo much attached to, have been, when a part of the old Engliſh Whigs themſelves, giving up all their own prejudices, and thoſe of their fathers, are now ſeeking to make in it ſuch great and ſignal changes? The evils muſt, indeed, be prominent and grievous, which have called forth even them into the ranks of reformation. Not only their prejudices ſhould be againſt ſuch a meaſure (conſidered as in itſelf), their education, their habits, and all the other powerful circumſtances ariſing out of, or connected with theſe things; but the great properties which they poſſeſs, or to which they are heirs, the rank they hold in the country, their whole conſequence and eſtimation, perſonal and political; all theſe too, ſhould not only not make them friendly to ſuch deſigns, but ſtout and perſevering in oppoſition to their reaſons, means, and ends. It is no light thing that could have led ſuch men as they are to this point. The Conſtitution muſt have been rotten to no ſmall degree before the ſtench reached their noſtrils. Citizens, ye can now have no doubt that what we have ſo long been telling you is true.

Gentlemen, in this way your very virtues are our curſes. Your property in the country, inſtead of being our ſecurity, is our danger. With a cruel

enemy before us who has been publiſhing manifeſtoes, making hoſtile declarations, and levying troops againſt us for years, we can ſee nothing in you but his (unwilling, perhaps, though ſure and certain) auxiliaries. His manifeſtoes may be too ſtrong, but they are in many reſpects well founded: His declarations of hoſtility may be rancorous, but they are in the main juſt. His levying troops of all ſorts (republicans, atheiſts, fanatics) may be dangerous, but it is only by abandoning part of our Conſtitution that we can drive the danger from us. But with this the enemy will be extremely well contented. Like all other crafty conquerors, he will wait till you have rendered his conqueſt more eaſy. While you are in the act of demoliſhing what diſpleaſes you, he will then (without either aſking your leave or ours) come and demoliſh what diſpleaſes him. And ſhould you then give us that defence which you refuſe to give us now, it would be but of little avail. Perhaps you may not be able then, even to defend yourſelves. At the beſt it will be a war between reformers, and the only chance the country will then have for ſalvation is, that you ſhould all periſh together. Gentlemen, I wiſh you a better fate.

I know that every thing has two handles. You ſay, that becauſe there are bad men ſeeking reformation, there ſhould be good men ſeeking it likewiſe. I never could ſee any ſenſe in this obſervation.

vation. Undoubtedly, the more that ſeek, the more chance there is of finding, and it is certain that the bad have great occaſion here both to ſeek and find. If they would reform themſelves, inſtead of the Conſtitution, it would be better both for you and for us. But it does not appear to me, that in what you ſay there is any reaſon, farther than that the good ſhould not be outdone by the bad in the purſuit of any laudable object; though, at the ſame time, it muſt be confeſſed, that it is no great recommendation of the object, that the bad are eager to obtain it, and ſet the example of the ſearch. On the contrary, it appears to me, that wild ſchemes of change being abroad, you ought firſt to take ſecurity againſt the enemies of *the Conſtitution in whole*, before you proceed to amend it in parts. When by declarations in Parliament (ſuch of you as are there), when by arguments in writing (ſuch of you as take upon you to inſtruct the public), when by all ſorts of lawful and proper means uſed, upon all lawful and proper occaſions, you, as a body, and as individuals, have diſcountenanced and driven away the promoters of theſe deſigns, and their miſchievous opinions, it may then come to be a fair queſtion with you upon the merits of the changes you yourſelves propoſe, and the meliorations you mean to introduce. But till then, and till this wicked faction is rooted out of the country, I ſay to you, gentlemen, that you are as dan-

gerous to us as they are; and it will be no conſolation to us that in the end you may be oppreſſed and perſecuted by them as much as we may be. It is firſt of all neceſſary that we be ſecure before we begin theſe operations (my argument here allows them to be wiſe and beneficial), which give openings to a watchful and determined foe. Suppoſing your reformations were to be the beginning of that golden age, about which the ſweet ſingers of democracy are now always tuning their harps; ſuppoſing the perfection of man is at hand, and the millennium to commence immediately after your labours; with all this you muſt take care (and indeed the more for all this) that your glorious toils be not rendered abortive, or your grand ſchemes, from inſtruments of good, be turned into engines of evil. Satan is bound hand and foot before the reign of the ſaints begins.

Gentlemen, I could reaſon with you at great length upon this matter. But I have ſaid enough. Beſides (to make an honeſt confeſſion once for all), I am not very fond of mere argument. I know that while I have reaſon on my ſide, yet reaſon is a fruitful mother of reaſonings, and that theſe are always a divided family. More than this, it is the diſeaſe of France, and you have heard enough from me to know that I will conſider this as no recommendation. Indeed, it has always been the diſeaſe there. Voltaire (I remember) intitules one of his chapters, " Candide et Martin

*ap-*

*approchent* les cotes de France et *raiſonnent.*" Since the time of Martin and Candide, matters have, in this reſpect, become much worſe; as they have done in others. Long ago it uſed to be ſaid that it was eaſier to find monks than reaſons. France, which (as its panegyriſts tells us) is formed to contradict all former maxims, has moſt certainly and veritably contradicted this.

But I will give you ſomething better than reaſons, better at any time, and eſpecially better in this ſeaſon of abundance, when the market is ſo overſtocked, and they are conſequently of ſo little value. I will give you an authority which you will not diſown; an authority to which you will ſubmit with the moſt implicit reverence. I will give you the authority of Mr. Burke.

I am very ſerious, Gentlemen. It is not indeed of that Mr. Burke who has *unwhig'd* himſelf (a phraſe, I have been told, that, with much the ſame juſtice, was uſed by Mr. Pitt in regard to Mr. Fox on the buſineſs of the Regency) by that heretical publication which your inquiſition hath ſo ſolemnly condemned. It is the Mr. Burke of better times, the aſſociate, or the maſter of you all. It is the Mr. Burke, that a member of your committee, and a dear friend of mine (whom the phantom of French liberty has to my great grief, and I hope ſoon to his alſo, led far far aſtray) characteriſes as all that your moſt ardent prayers could deſire in the moments of your greateſt enthuſiaſm. It is " the

" correſpondent, of Franklin, the champion of A-
" merica, the enlightened advocate of humanity and freedom *."

Of theſe three epithets (this tiara of liberty placed by my friend upon Mr. Burke's head) I ſhall take the laſt, as both the beſt in itſelf, and the beſt ſuited to the preſent purpoſe.

The enlightened advocate of humanity and freedom, about 24 years ago (in " Obſervations on a late State of the Nation") ſpoke as follows.

He is talking of ſome plans of reformation propoſed by the writer, whoſe ſentiments he was combating. The enlightened advocate of humanity and freedom, ſays:

" I paſs over here all conſiderations how far ſuch
" a ſyſtem will be an improvement of our Conſti-
" tution, according to any ſound theory. Not
" that I mean to condemn ſuch ſpeculative in-
" quiries concerning this great object of the na-
" tional attention. They may tend to clear
" doubtful points, and poſſibly may lead, as they
" have often done, to real improvements. What I
" object to it is their introduction into a diſcourſe
" relating to the immediate ſtate of our affairs, and
" recommending plans of practical government.
" In this view I ſee nothing in them but what is
" uſual with the author, an attempt to raiſe diſ-
" content in the people of England, to balance
" thoſe diſcontents the meaſures of his friends had
" already

* Vindiciæ Gallicæ, page 337.

" already raiſed in America. What other reaſon
" can he have for ſuggeſting that we are not hap-
" py enough to enjoy a ſufficient number of vo-
" ters in England? I believe that moſt ſober
" thinkers on this ſubject, are rather of opinion
" that our fault is on the other ſide, and that it
" would be more in the ſpirit of our Conſtitution,
" and more agreeable to the pattern of our beſt
" laws, by leſſening the number, to add to the
" weight and independency of our voters. And
" truly, conſidering the immenſe and dangerous
" charge of elections, the proſtitute and daring ve-
" nality, the corruption of manners, the idleneſs
" and profligacy of the lower ſort of voters, no
" prudent man would propoſe to increaſe ſuch an
" evil, if it be, as I fear it is, out of our power to
" adminiſter to it any remedy. The author pro-
" poſes nothing further. If he has any improve-
" ments that may balance or may leſſen this in-
" convenience, he has thought proper to keep
" them, as uſual, in his own breaſt. Since he has
" been ſo reſerved, I ſhould have wiſhed he had
" been as cautious with regard to the project itſelf:
" Firſt, becauſe he obſerves juſtly, that his ſcheme,
" however it might improve the platform, can add
" nothing to the authority of the legiſlature; much
" I fear it will have a contrary operation: for, au-
" thority depending on opinion, at leaſt as much
" as on duty, an idea circulated among the people
" that our Conſtitution is not ſo perfect as it ought.

" to be, before you are ſure of mending it, is a
" certain method of leſſening it in the public opi-
" nion. Of this irreverent opinion of Parliament,
" the author himſelf complains in one part of his
" book; and he endeavours to increaſe it in the
" other.

" Has he well conſidered what an immenſe
" operation any change in our Conſtitution is?
" How many diſcuſſions, parties, and paſſions, it
" will neceſſarily excite; and when you open it to
" inquiry in one part, where the inquiry will
" ſtop? Experience ſhews us that no time can be
" fit for ſuch changes, but a time of general con-
" fuſion, when good men finding every thing al-
" ready broke up, think it right to take advantage
" of the opportunity of ſuch derangement, in fa-
" vour of an uſeful alteration. Perhaps a time of
" the greateſt ſecurity and tranquillity, both at
" home and abroad, may likewiſe be fit; but
" will the author affirm this to be juſt ſuch a time?
" Transferring an idea of military to civil pru-
" dence, he ought to know how dangerous it is
" to make an alteration of your diſpoſition in the
" face of an enemy."

There can be nothing more directly than this in the very face of your enterpriſes, gentlemen. It would be nothing at all to have met ſuch paſſages in the book on the Revolution in France. It is not read in your churches. But the book from which the paſſages I have given you are taken,

taken, is canonical beyond queſtion. It is really (taken altogether) an unlucky buſineſs this. And to expreſs himſelf ſo very ſtrongly too. It is nothing at all (indeed it was to be expected) that in the book on the Revolution he ſhould not talk warmly in favour of the cauſe of reform; and, accordingly, gentlemen, were you to read that book, you would, unqueſtionably, be very much ſurpriſed at the following among other paſſages ſcattered through it. Mr. Burke ſays there, that "a State "without the means of ſome change, is without the "means of its conſervation. Without ſuch means "it might even riſk the loſs of that part of the Con-"ſtitution which it wiſhed the moſt religiouſly to "preſerve." Again he ſays: "A diſpoſition to pre-"ſerve, and an ability to improve, taken together, "would be my ſtandard of a Stateſman." And in another place he ſtill ſays: "I would not ex-"clude alteration neither, but even, when I chan-"ged it ſhould be to preſerve. I ſhould be led to "my remedy by a great grievance. In what I "did I ſhould follow the example of our anceſ-"tors. I would make the reparation as nearly "as poſſible in the ſtyle of the building." This is not recommending nor enforcing (to be ſure) the immediate neceſſity of reformation, nor indeed talking of it in any warm or preſſing manner. But in ſuch a work (as has been ſaid) this was nothing, and no other could be expected. Yet he admits enough to juſtify doing a good deal

the reforming way, much more than at the period when he was the enlightened advocate of humanity and freedom. His counſels in that character are wholly adverſe to your views and operations. I ſee no way, gentlemen, for you to do but to give him up at both periods, unleſs you be of the mind that his modern conceſſions make amends for his antient oppoſition.

But I am afraid this will ſcarcely be the caſe. In the book on the Revolution he does, no doubt, talk more favourably of reform, than in the publication of his early days, from which the paſſages you have read are quoted. This cannot be denied, however ſtrange it may be. Yet upon a cloſe examination they will be found (like all the other writings and all the other conduct of this gentleman) to be conſiſtent and the ſame. There is no other way for you than to give him up at both periods.

The real lover of his country will give him up at neither. He will treaſure up the doctrines of both periods in his mind; he will practiſe their leſſons, and he will teach them to his children. By doctrines like theſe we have obtained all our bleſſings; by doctrines like theſe we might have avoided all our evils. Neither cheriſhing error from ſtubborneſs, nor courting novelty from levity, we ſhould ſuffer neither from inveterate abuſe, nor from unprincipled change. The repairers of our Conſtitution (when repair was needed) would work

work by line and plummet, and not according to the childiſh vagaries of infantine policy. We ſhould not have tiny houſes made of cards to amuſe the overgrown babies of philoſophy, held together by no cement, and ſcarcely even a pretty ſhew. We ſhould not through a criminal indifference (which I have too often heard nicknamed moderation) allow its principles to be violated by wicked men, and its maxims and practices neglected and perverted. Love to the Conſtitution would make us watch over it as a lover would watch over the welfare of his miſtreſs. Love to the Conſtitution would prevent us from ſcrutiniſing too narrowly its defects, as true love finds charms in thoſe little imperfections that always enhance and ſometimes create the very firſt beauties. Not living only for ourſelves, we ſhould not have the baſe ſelfiſhneſs to poſtpone the intereſts and the melioration of the State to our own eaſe and advantage; nor that other ſelfiſhneſs, mean, yet proud, and more criminal by far, and more dangerous, which prefers our own fantaſies, our own power, our own fame, our reſentments, the gratification of our ambition, and the luſt of diſtinction, to the ſettled tenor, to the regulated order, to the permanent harmony of the community. Schemes of reform, I am afraid (when they are not the offspring of ſheer dullneſs, which very frequently happens), are for the moſt part only one of the rounds in the ladder, both of low and high ambition. When they

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are not ſo, they always announce themſelves by a firm moderation, by a fearfulneſs to take away, which might be called cowardice, did not courage appear blended with reverence; but above all, by giving no inlet to the declared enemies of the Conſtitution, and by working only in that ſeaſon when their ſtratagems can be fully ſeen, and when you have the certain means of overthrowing them. He makes a common cauſe with the adverſary who acts otherwiſe.

It is thus, gentlemen, that whether we conſult reaſon or authority, the concluſion which ariſes is the ſame; that your aſſociation, with its declared purpoſes (ſo far as they are declared), facilitates, at leaſt, and indeed almoſt accompliſhes, the deſigns of thoſe who are the common enemies of us all; while your rank, your property, and your fair reputations, inſtead of adding to our ſecurity, increaſe our danger.

It is poſſible, indeed, to get the better in part of this otherwiſe inevitable concluſion, by ſuppoſing you influenced, not by conſiderations of honour, but leagued for purpoſes as wicked as the other revolutioniſts of the day. In this caſe there would be leſs danger; much leſs. There is virtue and courage enough in the country, if once any open formidable attack is made, to overthrow its authors, and cruſh its principles for ever; with ſome loſs (it may be true), and ſome confuſion, but a loſs ſoon and eaſily repaired, and a confuſion which will

will quickly give place to order. Againſt evil deſigns we will be on our guard. But to you we can aſcribe no bad intentions whatever. And there again (it cannot be too often repeated), it is there that our danger lies.

Thus without at all examining the principles upon which your aſſociation proceeds, without conſidering whether your plans are well laid in policy, and ſufficiently ſafe in the execution; allowing even that in theſe reſpects no objection could poſſibly be made to your proceedings, yet on this preliminary ground alone, it is clearly made out that for the preſent you ought to abandon your aſſociation.

There is another preliminary matter alſo. I queſtion much, gentlemen (or rather I do not queſtion at all), whether you are permitted by the laws of the land, and by (what is much ſtronger) the eſſential principles of the Conſtitution, to enter into any ſuch aſſociated body.

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I had laid down my pen, to write no more. I have reſumed it, though with a heavy heart, and after ſome interval. The news from Paris. It was all in my mind, and even more. But Oh! God, what is imagination to reality!

I write

I write on, juſt now, without knowing whether I ſhall ever publiſh this or no. Perhaps it may lie by me neglected, like many other things on this miſerable Revolution. I am not in a capacity at preſent to judge what ſhould be done with what I am writing. But I ſhall write on. I can only drive away thought by thinking.

As to the law, there is little queſtion that in ſtrictneſs of conſtruction, your aſſociation, gentlemen, might be held as ſeditious, and perhaps as treaſonable. At the ſame time there is no doubt whatever, that nothing of this kind will ever be charged upon you. There were aſſociations of a ſimilar nature all over the country not many years ago. The arm of the law was never lifted up againſt them. The ſound ſenſe, and that enlightened policy which enters ſo cloſely into the very nature of our Conſtitution, as to be the neceſſary rule even of the worſt cabinets, has always prevented, and always will prevent, the letter of the law, or even its ſpirit (conſidering law, if the expreſſion do not appear ſtrange, merely in a legal view), from at any time being introduced under circumſtances, or for purpoſes, in which its employment, if not queſtionable, might be dangerous, though ſecure might be doubtful, and though neither dangerous nor doubtful, might be wholly inefficacious. When Lord Thurlow (he was then Attorney General) ſaid in the Houſe of Commons (not as a meaſure he would adviſe, but as what he might

might do) that he could take away the charter of every colony in America by a *ſcire facias*, he ſaid what was infinitely beneath his underſtanding; what (no it could not then irritate, things were gone too far for that, it could only excite laughter); but what ſaid even more early would have been equally inefficacious to ſtrike terror, as it would have been certain to produce laſting alienation*. That, however, was produced by other means. When in the ſame manner another lawyer ſtated that America was repreſented in Parliament, becauſe the colonies were part and pertinent of the manor of Eaſt-Greenwich, and accordingly had the two members for Kent as their knights of the ſhire; nobody could think that there was any great wiſdom in the obſervation. Yet this theory of repreſentation was not more ſilly and abſurd, than it was fooliſh and criminal to ſpeak about drawing up an indict-

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* I am ſorry Lord Thurlow is out of power, chiefly becauſe I have happened to make this obſervation. I am ſure it is not dictated by his being no longer in a place of authority; and as little does it proceed from any ignorance of his ſtrong maſculine talents. His being out of power, however, has aſſuredly made a great change. * * * * * * * * * * * * * * * * * * I had here put a moſt ſtriking example of this. I have taken it out after it was printed. It alluded to a character otherwiſe of much excellence; but who had here (if it indeed be he) ſinned in my mind much. Had I permitted the paſſage to ſtand, I would have ſinned alſo.

ment againſt a whole people. Mere lawyers (I am very far from placing Lord Thurlow altogether in this deſcription) are not men to govern an empire; and much excellence as there is in the profeſſion in this country (perhaps more excellence than in any profeſſion, or than in all the other profeſſions, in it) yet it does not always furniſh a Somers and a Camden. Indeed, the growth of learned and conſtitutional lawyers in England ſeems much on the decline. What may be the reaſons I cannot tell; but the thing is evident. In Scotland I think I ſee the beginnings (through an abuſe of or rather from the neceſſary conſequences of the modern rights of men) by which the moſt learned body, except the Church of England, that has been in Europe for theſe many centuries (the Faculty of Advocates), are likely to become, at leaſt in a great meaſure, a ſufficiently unlearned body alſo. The day when that happens, will be a day of very great loſs to Scotland. Yet it is certainly ſtill a diſtant day, and may be eaſily made more ſo. As far, unqueſtionably, as depends upon me, I ſhall do my duty in this reſpect, as I have done heretofore; with little power indeed, but with great perſeverance.

I am wandering however, and (perhaps for more reaſons than thoſe of mere criticiſm) my wandering will not be eaſily excuſed. The law aſſuredly will not take hold of you. Yet, that, Gentlemen, may be no good reaſon for doing any thing againſt the law. It is only great and urgent neceſſity

neceſſity that can excuſe it. I do not think you have that to plead.

You ſee that I do not talk to you in that ſilly cant which you and your friends (I beg pardon for the expreſſion I have uſed, but I cannot help it) employ againſt that noble and generous combination entered into for the preſervation of France, or at leaſt of humanity in Europe. You ſay (and indeed Dr. Parr has declaimed with fury upon it, and, I believe, alſo my friend) that this cruſade (ſo you qualify it) is monſtrous and wicked, and deſtroys the independence of nations. Gentlemen, I am as great a friend to the perſonal independence of States and kingdoms, as I am to the perſonal liberty of private individuals, the only liberty that I ever thought much worth the contending for; that other liberty (which is the miſtreſs of the moderns) being always, in my eſtimation, a means to ſecure the firſt, and not in itſelf an end, as the wiſe in our days have made it; diſcarding at the ſame time all concern for any thing elſe, as wholly below the dignity of their thinking. With theſe ſentiments, it is not likely that I ſhould approve of any thing which attacks or endangers the independence of nations. But I muſt at the ſame time ſay, that I ſhould think of myſelf moſt meanly, if, at a period when the rights of man's nature itſelf, when the exiſtence of all morality, of all religion, of all civil polity, of all human ſentiment and feeling, was in danger of total ſubver-

ſion; if, at a time when doctrines of rebellion, atheiſm, and murder were openly propagated, and when the practices themſelves were as univerſal as the doctrines, when it was taught to be cowardly and criminal to deny that ends juſtified means, and when guilty ends were accompliſhed by means ſtill more barbarous and guilty, when throwing off even the common nature of men, a whole nation had turned their country into the hell of Europe, had lighted up in it every where their infernal fires, and, dancing in horrid circles around theſe furnaces, caſt in their victims to be devoured by the flames, amidſt ſhrieks and yells, and ſtill more dreadful ſongs of diabolic exultation, feaſting on the agonies of the tormented, and applauding with wild joy the ſkill of the tormentors, while ſwarms of the ſame impure ſpirits, ever on the wing, and darkening the air, were continually paſſing to and fro, the meſſengers, in all directions, of evil and woe, and ſad calamity, wandering over the whole earth to ſeduce its inhabitants, ſtirring up the people of all kindoms to pollute themſelves with the ſame crimes, and ſhare with them in the ſame abominations, to be faithleſs to their ſovereigns, and rebellious to their God, to caſt off all natural affection for parents, for children, for wives, for friends and relations of all ſorts and deſcriptions, to make them even paſs through their fires (if that was neceſſary) to the Moloch of their liberty, while the cries of nature ſhould be overpowered

powered and ſunk in the noiſe of their frantic civic hymns, and the claſh and din of their new armour of murder; in ſuch terrible circumſtances of this unhappy land; in ſuch imminent danger of its flames reaching and blaſting every other part of Europe, of the whole maſs of its civilization being covered for ages by the burning torrent iſſuing from this volcano, whoſe foundations were deep as hell; in ſuch a terrible, in ſo unheard of a ſituation, when the fate of mankind, (yes, there is no queſtion of it, when) the very exiſtence of the race of man, his feelings, his reaſon, his name, depended upon prompt, decided, wiſe, firm, bold, ſtrong, and united meaſures; when this was the caſe, that man would deſerve to be thought meanly of indeed (however reſolute to defend the independence of kingdoms), who hearing the ſound of this mighty tempeſt, knowing what it had overthrown, what it was likely to tear up in its fury, and to ſwallow in its overſpreading ſweep, could have, in a ſeaſon ſo awful, either liſtened to others when talking, or have talked himſelf, about the difficulties of public law, and how far it could derogate from or warrant a combination to preſerve all law, all ſociety, all the human race itſelf, the deſtruction of which was attempted by an activity almoſt equal to the wickedneſs by which that activity was produced. It is truly ſtrange that in an age which thinks nothing of diſſolving communities at will, to produce ſome given good, or ſome given evil, there ſhould be men (and theſe

men approving too, in part or in whole, theſe very doctrines) who ſtop ſhort like a reſtive horſe, as ſoon as the corner of their eye diſcerns ſome quiddity of public law. Mr. Burke, who is no friend to anarchy, has told us again and again in his book on the Revolution, that anarchy may be juſtified by neceſſity. Yet the neceſſity of which Mr. Burke talks, can only be a neceſſity reſulting from oppreſſion. The neceſſity of which I have been ſpeaking, is infinitely ſtronger than any proceeding from the duty to reſiſt tyrants, or to do away great abuſes. It is the neceſſity of preſerving ſociety and man. And theſe men call us to the chair of the profeſſor of public law when the fire is at our dwellings.

At the ſame time juſtice ought to be done to virtuous deeds, when abuſed by wicked or miſtaken men. It is certain that poſterity will admire the moderation of the ſovereigns who have formed this union. To me it is really wonderful. Their declarations are ſo guarded, and ſo put upon common acknowledged maxims of State, that as precedents of public law they give an additional ſecurity for the independence of kingdoms.

It has really given me great pain that Dr. Parr ſhould have expreſſed himſelf about this matter as he has done, ſo wildly and ſo ignorantly. I am not a little afflicted that his ſentiments, in general, with regard to France ſhould be what they are. They certainly are not what they ſhould be. Perhaps

haps the late events may have made the Doctor change his mind. But this will be no excuſe. All the evils done, or that can be done, exiſted in the principles. Beſides, though the murders in Paris are more known, and the bloody banner of democracy is now chiefly waving there, yet the murders have been nearly as ſavage and as numerous in the other parts of that miſerable nation, now for three accurſed years. The beverage of human blood has been long known. The conquerors of the Baſtile were the firſt, and as ravenous cannibals as any that have ſucceeded them. The Doctor, therefore, is equally inexcuſeable on a view of facts as upon a conſideration of principles.

I am ſorry too that this reverend gentleman ſhould have found himſelf obliged to differ ſo widely from Mr. Burke. A man comes under a moſt ſacred obligation by giving public praiſe to another man. I am not ſure but it is a tie more binding than even gratitude for benefits conferred. To be obliged publicly to blame a man, whoſe panegyric you have publicly pronounced, muſt neceſſarily throw that man (unleſs there be circumſtances of very powerful counteraction) into great diſgrace in the public opinion. The accuſations of an enemy are weighed. Even thoſe of a perſon judged indifferent are not admitted without ſome proof. But when your panegyriſt becomes your accuſer, belief itſelf is foreſtalled. How deeply then ought we to conſider before inflicting upon

one of whom we once thought well, ſo cruel and ſo irreparable an injury! It can be warranted by nothing but conviction the moſt deliberate, and duty the moſt imperious. And even then, in the breaſt moſt ſteeled with rigid virtue, the conflict will be great. To him whoſe fortitude is leſs Spartan, and whoſe heart is acceſſible here and there to human weakneſs, it will be a moſt uneaſy and diſtreſsful ſituation. It is a hard thing a combat of duties.

I repeat it, that it has given me much pain that Dr. Parr has been placed in theſe ſtraits. If after all it has done no harm to Mr. Burke, it muſt do much diſcredit to Dr. Parr. Certainly not to his heart. At leaſt it will never have that effect with me. But to his judgment aſſuredly, which it no doubt argues of much inconſequence and levity.

Not that I am at all of the opinion of ſome Cambridge man, the friend of the brother of Alderman Curtis, that the Doctor is no logician. He who is a friend to the brother of Alderman Curtis in that matter, is neither a judge of logic, nor of what is much better than logic. But I think Dr. Parr has clearly ſhewn of himſelf, (and eſpecially in the pamphlet of which I have been ſpeaking) that his learning is not moſt conſpicuous in hiſtorical detail, nor his judgment in metaphyſical intellection.

It is evident beſides, that the reverend gentleman's mind is by no means ſteady in his opinions, either

either of perſons or things; and he expreſſes himſelf too ſtrongly of both, eſpecially too ſtrongly when it is conſidered that it is variably. Permanency takes off, and even entirely deſtroys vehemence. Fluctuation of mind renders vehemence more violent. I mean in both inſtances to the ſenſations of others, without ſpeaking of what they are in themſelves. If the Doctor ſhould go on in this manner, neither his praiſe nor his blame will be "ſet" by any body "at a pin's fee."

It is becauſe I highly eſteem Dr. Parr that I ſpeak thus freely of him what I think. Were he among the *Secundi* and *Nattæ* of the times, who grope through Mr. Burke's works to find out appearances of contradictions, and who, after all their rumaging, have produced none but ſuch as ſhew not their ill faith ſo much as their folly; he might ſleep in a whole ſkin for me. His repoſe ſhould never be diſturbed. I would not even addreſs him, as on the part of Mr. Burke:----*Verba mea arguuntur; adeo factorum innocens ſum.* The reverend gentleman differs from Mr. Burke, but he does not accuſe him (at leaſt directly, and I ſhall ſeek for no conſtructions) of any apoſtacy. To be ſure to be conſiſtent he ought to do it. But this is no buſineſs of mine. What I regret in Dr. Parr are his general ſentiments on French affairs, and that theſe ſentiments have forced him to declare ſo total a ſeparation from his antient teacher and guide; a circumſtance which (as I have ſaid) muſt conſiderably

derably affect the reputation, either of the Doctor or of Mr. Burke.

But there are more matters that I regret than this. The Doctor ſpeaking of the French has ſaid: *Bella viri pacemque gerant queis bella gerenda.* I wiſh he had applied the quotation otherwiſe than he has done. Connecting it with the line which immediately goes before, it might have reminded him of his more peculiar duty. *Cura tibi, divûm effigies et templa tueri.* Indeed I cannot ſee what concern this reverend gentleman (or any other man of his cloth) has with the affairs of France, unleſs it be to implore the Creator of man to interpoſe for the preſervation of the works of his own hand, and more eſpecially ſtill for the preſervation of that religion revealed by himſelf to his creatures, and ſealed by the blood of their Redeemer. If from ignorance they do not know the dangers with which this religion is threatened in all its forms, at leaſt let them pray for peace, but for that peace only which is the companion of righteouſneſs, which eſtabliſhes juſtice and ſecures it. If they pray in this ſpirit and for this purpoſe, they will pray differently indeed from Dr. Parr.

His prayer is ſhocking: I muſt ſay it; it is ſhocking. The purity of his heart and the ſimplicity of his manners, render his guilty maledictions more dreadful. A man peculiarly conſecrated to the ſervice of the Almighty, has not been afraid to ruſh into his preſence, and ſolemnly to call for his

his bleſſings and his curſes upon the public meaſures of nations with regard to which he at the ſame time openly profeſſes his ignorance! From ſome vague ſcattered notions in his own mind (he confeſſes himſelf they are no more) that ſome ſort of liberty has been obtained or may be obtained in France, he dares, while kneeling before the throne of God, vehemently to invocate the ſupport of Heaven for the deſigns of its leaders, and that the divine wrath may be poured out upon all who oppoſe them. He carries his frantic and ignorant paſſions into the ſight of the Eternal, and impiouſly aſks that they may be made the rule and meaſure of God's juſtice. I do not ſpeak of this too ſeverely. It is impoſſible to ſpeak of it with ſeverity enough. I am ſure there will be a time (perhaps that time is already come) when this excellent perſon himſelf will condemn it with more ſeverity than my language, or any language can employ. He will lament it bitterly. In the ſilence of contrition, pardon will be ſought for this heavy iniquity, when in a frame and diſpoſition, according with his pure and benevolent mind, he makes the humble and repentant confeſſion to the offended majeſty of his Creator, *that he has ſpoken unadviſedly with his lips.*

Again I muſt declare my deep regret at being obliged thus to ſpeak of a man whom I ſincerely honour. I once even indulged the hopes that I might become known to him and enjoy his friendſhip.

ſhip. If the manner in which I have expreſſed myſelf of him, ſhall be the means of preventing this, it will be conſidered by me as a very great loſs. But I neither can nor will expreſs myſelf otherwiſe. Indeed, not to ſpeak of France, and much as I admire the preface to Bellendenus, I wiſh the Doctor, with his great warmth, and the little pains he takes of information, would abſtain from politics altogether. Perhaps even wholly from controverſy. There are many things, very many indeed, which the Doctor might regret having been ſaid in the republication of tracts by Warburton and a Warburtonian. Yet in all his writings, a learning and a mind is diſplayed which eſtabliſh his claim both to admiration and eſteem; only let his talents be employed upon their proper objects. I have no more knowledge of Greek than what belongs to a well educated gentleman. I am not, therefore, entitled to quote it ſo profuſely as Dr. Parr. It is his more immediate buſineſs. But he will allow me to apply to him (he will profit by it as he himſelf thinks fit) what a great critic, whom I was taught early to admire, has ſaid of Plato. The critic is ſpeaking of the ſtyle, but I mean at preſent only the Doctors matter, and chiefly what he ſays about France.

*Ἐγω τὴν μὲν δεινότητα τοῦ ἀνδρὸς πάνυ ἄγαμαὶ τε καὶ τεθαύμακα. τῆς δ' ἀπειροκαλίας αὐτὸν οὐδεπώποτ' ἐζηλωσα τῆς ἐν τοῖς ἐπιθέτοις κατασκευαῖς, καὶ πάντων ἥκιστα ἐν οἷς ἂν εἰς πολιτικὰς ὑποθέσεις συγκαθεὶς, ἐγκώμια καὶ ψόγους, κατηγορίας τε καὶ ἀπολογίας ἐπιχειρῇ γράφειν. ἕτερος γάρ τις αὐτοῦ γίνεται τότε καὶ καταισχύνει τὴν φιλόσοφον ἀξίωσιν.*

It is ſtrange to think whence Dr. Parr has taken his information about French affairs. He tells

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us himſelf that it is derived from Mr. Paine, whoſe detail of the tranſactions in France he applauds as maſterly, though he diſſents, and greatly, from ſome of his reaſonings. I muſt tell the Doctor very plainly (as I muſt all the reſt of the world who do not know it already), that this man's hiſtorical account is wholly falſe, either by what he mentions being in itſelf untrue, or by the ſuppreſſion of what is neceſſary to make the truth complete. This can be made out from the very ſources (the democratic publications of the day) to which Paine refers, and whence he draws his ſcanty and confuſed information.

With ſuch an inſtructor, it is no wonder that the Doctor talks ſo ſillily about this matter as he does. Any perſon, the moſt diſtantly converſant in the affairs of France, can ſcarcely avoid ſmiling at the manner in which he ſpeaks. It is worſe than infantine. One altogether loſes ſight (for a moment that is to ſay----the thing could not laſt) of the atrocity of the ſcenes to which he alludes, when we hear him talking of thoſe wiſe and mighty men whoſe abilities and courage (according to the Doctor) ſaved France at, and after the flight and capture of its unhappy ſovereigns. There is nothing in the Dunciad (the beſt mock-heroic poem that ever was, or probably ever will be written) that can equal the paragraph in which the Doctor celebrates theſe heroes. It would be cruel to aſk him what is become of them and their conſtitution.

conſtitution. They were worthy of each other. At the ſame time, ſome of them do not ſeem to think ſo; for they are now employed as day-labourers in the conſtruction of another.

I believe the preſent time is juſt as good as any other for ſaying a little about the affairs of France. Upon this ſubject I have collected a great many materials, with different views at different times; not of the ſubject itſelf (upon that no man's opinions could vary) but as to the employment of the materials. It is probable they may now lie by me for many years. I could not, were I to begin now, make ſuch a collection of facts. If they ever ſhall be publiſhed, they will be accompanied with their vouchers and documents. In the mean time, as to what I am now to notice of the original beginnings of the troubles in France, and ſome of the chief ſubſequent tranſactions, I muſt requeſt the public to take them upon my word. At the ſame time, if any one perſon ſhall publicly queſtion the authenticity of any thing I ſtate (in the way of fact; I ſhall never anſwer arguments), I moſt certainly ſhall, in that caſe, take the trouble of publicly proving that authenticity.

In the mean time, before proceeding to this detail, I ſhall begin with ſome ſingular enough documents, regarding the ſituation of France ſeveral years antecedent to the Revolution.

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I am not going out of my way in entering upon this matter. It belongs much to the ſubject of this addreſs, gentlemen. It is now openly given out by many perſons, that what is now doing in France differs totally and eſſentially from what was accompliſhed in the firſt periods of the Revolution. The purpoſe of giving this out is very plain. At all events, it would be no juſtification of the original French meaſures. But the truth is, that the meaſures, the men, the purpoſes, and the means, have been all along the ſame. This is an awful conſideration to you reformers.

Dr. Parr, with a fooliſh ſimplicity, has ſaid, that the calling together the third eſtate (I ſuppoſe he means the three eſtates) was a demonſtration that France was in a ſituation the moſt deſperate, that her evils were intolerable, and almoſt incurable. His own words are: "That the maladies of France "had reached almoſt the laſt ſtages of malignity, "and threatened a ſpeedy diſſolution of all go- "vernment, it were folly to controvert. The "very act of calling the third eſtate, is a proof "that the paltry tricks of political cunning, and "the ordinary reſources of political wiſdom, were "quite exhauſted." And afterwards: "In France, "the heavy preſſure of the regal power clogged "the firſt efforts of reformation." Dr. Parr ſhall be refuted by Dr. Price.

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In the *ſecond* tract on *civil liberty, and the war with America*, Dr. Price ſays, " A *new reign* pro-
" duced a new miniſter of finance in *France*, whoſe
" name will be reſpected by poſterity for a ſet of
" meaſures, as new to the *political* world, as any
" late diſcoveries in the ſyſtem of nature have
" been to the *philoſophical* world: Doubtful in
" their operation, as all untried meaſures muſt
" be, but diſtinguiſhed by their tendency to lay
" a ſolid foundation for *endleſs peace*, induſtry,
" and a general enjoyment of the gifts of nature,
" arts and commerce. The *edicts* iſſued during
" his adminiſtration, exhibit indeed a *phenomenon*
" of the moſt extraordinary kind. *An abſolute*
" *king, rendering a voluntary account to his ſubjects,*
" *and exciting his people to* think; *a right which*
" *it has been the buſineſs of all abſolute princes, and*
" *their miniſters, to extinguiſh*, In theſe edicts, the
" *king* declared, in the moſt diſtinct terms againſt
" a bankruptcy, &c.; while the miniſter applied
" himſelf to increaſe every public reſource, *by*
" *principles more liberal than* France, *or any part of*
" Europe, *ever had in ſerious contemplation.* It is
" much to be regretted, that the oppoſition he
" met with, and the intrigues of a court, ſhould
" have deprived the *world* of thoſe lights which
" muſt have reſulted from the example of ſuch an
" adminiſtration."

Dr. Price, however, conſoles himſelf for the diſmiſſion of Turgot (the perſon of whom he was ſpeaking), by the nomination of his ſucceſſor.

" After

" After a ſhort interval," ſays he, " a nomina-
" tion, in ſome reſpects ſtill more extraordinary,
" took place in the court of *France*: A court,
" which a few years ſince was diſtinguiſhed by its
" bigotry and intolerance, has raiſed a *proteſtant*,
" the ſubject of a ſmall, but virtuous republic, to
" a deciſive lead in the regulation of its finances.
" It is to be preſumed, that ſo ſingular a prefer-
" ence will produce an equally ſingular exertion
" of integrity and talents."

Doctor Price, in the year 1785, publiſhed another pamphlet, " Obſervations on the import-
" ance of the American Revolution;" in which, after quoting the two paſſages above tranſcribed, he again mentions Mr. Necker with approbation, and as underſtanding him to have fulfilled the expectations he had raiſed. To this pamphlet there is ſubjoined a letter from Mr. Turgot to Dr. Price, of date 22d March 1778, and of which the beginning contains ſentiments, important indeed to the point now at iſſue. I ſhall tranſcribe the firſt page.

" Mr. Franklin m' a remis, Monſieur, de votre
" part, la nouvelle edition de vos obſervations ſur
" la liberté civile, &c. Je vous dois un double
" remerciment; 1°, de votre ouvrage dont je con-
" nois depuis longtems le prix, et que j'avois lu
" avec avidité, malgré les occupations multipliées
" dont j'etois aſſailli, lorſqu'il a paru pour la pre-
" miere fois; 2°, de l' honnêteté que vous avez

 " eue

" eue de retrancher l'imputation de *maladreſſe* que
" vous aviez mêlée au bien que vous diſiez d'ail-
" leurs de moi dans vos obſervations additionelles.
" J'aurois pu la meriter, ſi vous n'aviez eu en vue
" d'autre maladreſſe que celle de n'avoir pas ſçu
" demêler les reſſorts d'intrigues que faiſoient
" jouer contre moi des gens beaucoup plus *adroits*
" en ce genre que je ne le ſuis, que je ne le ſerai
" jamais, et que je ne veux l'etre. Mais il m'a
" paru que vous m'imputiez la maladreſſe *d'avoir*
" *choqué groſſierement l'opinion generale de ma na-*
" *tion; et a cet egard, je crois, que vous n'aviez*
" *rendu juſtice, ni à moi ni à ma nation, où il y a*
" *beaucoup plus de lumieres qu'on ne le croit généra-*
" *lement chez vous, et où peut-être il eſt plus aiſé que*
" *chez vous même de ramener le public à des idées*
" *raiſonables.*"

The opinion declared here, by one who had ſuch opportunities of knowledge, is a ſtriking circumſtance indeed, as to the ſituation of France before the commencement of this revolution. Dr. Price had thought that Turgot proceeded too far in his reforms, for the ſpirit and underſtandings of his countrymen. The financial philoſopher aſſures him, that this is far from being the caſe; that they were completely up to all that had been done for them (much as that was), and had capacity ſufficient for receiving more. If their king (that king whom Turgot always, and ſo emphatically characteriſed, *un roi qui eſt veritablement*

*un*

*un homme honnête, et voulant le bien*, and whom he declared it to be a pleaſure to ſerve, both while, and after he was a miniſter, if that king) thought it his duty and his intereſt to give his people their rights, they were alſo fully appriſed, that it was no more than their rights that they received. France had ſufficient (perhaps more than ſufficient) knowledge; and ſhe was obtaining practical advantages, in matters of freedom and government, every day.

She had more knowledge, at leaſt, than we in this iſland. Moſt certainly Turgot was of this opinion. Thoſe who chooſe to read his letter, will find, that he thinks very meanly of the political knowledge poſſeſſed by the Engliſh. He conſiders Dr. Price as almoſt the only writer who ever, in England, had any juſt notion of liberty. In particular, he thinks very meanly of the political ſcience of Mr. Burke, and of that treatiſe (the letter to the ſheriffs of Briſtol) on account of which my friend Mr. Mackintoſh has ſtiled that gentleman *the enlightened advocate of humanity and freedom*. Mr. Turgot could ſee nothing enlightened in it, and nothing which was of any ſort of ſervice to humanity or freedom at all. His expreſſions are remarkable enough: " Eſt-ce l'eſprit " de parti, et l'envie de ſe faire un appui *des opi-* " *nions populaires*, qui a retardé vos progres, en " portant vos politiques à traiter, *de vaine meta-* " *phyſique*, toutes les ſpeculations qui tendent à

" établir des principes fixes ſur les droits et les vrais " interêts des individus et des nations?" Mr. Burke is not mentioned here; but he is as clearly deſigned as if ſpoken of by name: And if any thing be wanting, it is made up by Dr. Price, whoſe word will go with the democratiſts much farther than that of Turgot. In the tranſlation of this letter given by Dr. Price, there is at the above paſſage a note, " See Mr. Burke's letter to " the Sheriffs of Briſtol." It is worth while to quote the paſſage of Mr. Burke particularly alluded to, in order to ſhew the comparative acquirements in the ſcience of politics, at that time made by the people of France and England. Nor can it be ſaid that any injuſtice is done to the Engliſh ſide, by taking Mr. Burke as the ſtandard of their opinions; for we are now aſſured by the democratiſts, one and all (and indeed he was ſo advertiſed very lately in the newſpapers, by a whole ſociety of them, for almoſt a whole half year, along with a ſingular cure performed by Spilſbury's drops*, upon the coachman of Mr. James (or John) Joſhua Jones), that this ſtateſman was at that time, though now guilty of moſt woful deſertion, the verieſt fire-hot patriot in the kingdom (I mean patriot in *their* ſenſe of the word), and moſt ſtaunch aſſertor of their rights of men. Beſides, Mr. Turgot mentions theſe doctrines

* Upon recollection, I am not ſure but it was Leake's *pillula ſalutaris*, or ſome ſuch thing.

trines of Mr. Burke as being founded on the popular opinion. Mr. Burke ſays:

" I am charged with being an American. If " warm affection towards thoſe over whom I " claim any ſhare of authority be a crime, I am " guilty of this charge. But I do aſſure you " (and they who know me publicly and privately " will bear witneſs to me), that if ever one man " lived, more zealous than another for the ſu- " premacy of parliament, and the rights of this " imperial crown, it was myſelf. Many others, " indeed, might be more knowing in the extent " or the foundation of theſe rights. I do not " pretend to be an antiquary, a lawyer, or qua- " lified for the chair of profeſſor in metaphyſics. " I never ventured to put your ſolid intereſts up- " on ſpeculative grounds. My having con- " ſtantly declined to do ſo, has been attribut- " ed to my incapacity for ſuch diſquiſitions; " and I am inclined to believe it is partly " the cauſe. I never ſhall be aſhamed to con- " feſs, that where I am ignorant, I am dif- " fident. I am, indeed, not very ſolicitous to " clear myſelf of this imputed incapacity; be- " cauſe men, even leſs converſant than I am in " this kind of ſubtleties, and placed in ſtations to " which I ought not to aſpire, have, by the mere " force of civil diſcretion, often conducted the " affairs of great nations with diſtinguiſhed feli- " city and glory."

He then proceeds to ſtate the undoubted right which Great Britain had to bind America in all caſes whatſoever; a legiſlative right ariſing, not from any theory, but from long undiſturbed poſſeſſion, and of which the exerciſe (moderate and meaſured) had greatly benefited all the portions of the empire. Mr. Burke held this *poſſeſſion* for a *title*, and "wiſhed to keep the whole body of "this authority perfect and entire, not for our ad- "vantage ſolely, but principally for the ſake of "thoſe on whoſe account all juſt authority exiſts, "the people to be governed." Of conſequence, the general opinion of thoſe to be governed, "the vehicle and organ of legiſlative omnipot- "ence," was to be greatly regarded, and conſulted in its exerciſe; while "many things, indubit- "ably included in the abſtract idea of legiſlative "power," neither can nor ought to be exerciſed contrary to the opinions and feelings of the people. Of this, among many other inſtances, he gives the example of religion, which, as eſtabliſhed in this country, has been three or four times altered by act of Parliament. Even in this caſe, therefore, a ſtatute binds. Yet, notwithſtanding the right, it would now be practically impoſſible for both King and Parliament to alter the eſtabliſhed religion of the country. After theſe, and ſimilar obſervations, he goes on thus:

"Theſe were the conſiderations which led me "early to think, that in the comprehenſive do- "minion which the Divine Providence had put "into

" into our hands, inſtead of troubling our un-
" derſtandings with ſpeculations concerning the
" unity of empire, and the identity or diſtinction
" of legiſlative powers, and inflaming our paſſions
" with the heat and pride of controverſy, it was
" our duty, in all ſoberneſs, to conform our go-
" vernment to the character and circumſtances
" of the ſeveral people who compoſed this mighty
" and ſtrangely diverſified maſs. I never was
" wild enough to conceive, that one method
" would ſerve for the whole; that the natives of
" *Hindoſtan*, and thoſe of *Virginia*, could be or-
" dered in the ſame manner; or that the *Cutcherry*
" court, and the grand jury of *Salem*, could be
" regulated on a ſimilar plan. I was perſuaded
" that government was a practical thing, made
" for the happineſs of mankind, and not to fur-
" niſh out a ſpectacle of uniformity, to gratify the
" ſchemes of viſionary politicians. Our buſineſs
" was to rule, not to wrangle; and it would have
" been a poor compenſation, that we had tri-
" umphed in a diſpute, whilſt we loſt an em-
" pire.

" If there be one fact in the world perfectly
" clear, it is this, *That the diſpoſition of the people*
" *of America is wholly averſe to any other than a*
" *free government*; and this is indication enough
" to any honeſt Stateſman, how he ought to
" adapt whatever power he finds in his hands to
" their caſe. If any aſk me what a free govern-
" ment is, I anſwer, that, for any practical purpoſe,

" it is what the people think ſo, and that they
" and not I, are the natural, lawful, and compe-
" tent judges of this matter. If they practically
" allow me a greater degree of authority over
" them than is conſiſtent with any correct ideas of
" perfect freedom, I ought to thank them for ſo
" great a truſt, and not to endeavour to prove
" from thence that they have reaſoned amiſs, and
" that having gone ſo far, by analogy, they muſt
" hereafter have no enjoyment but by my plea-
" ſure."

" If we had ſeen this done by any others, we
" would have concluded them far gone in mad-
" neſs. It is melancholy as well as ridiculous, to
" obſerve the kind of reaſoning with which the
" public has been amuſed, in order to divert our
" minds from the common ſenſe of our American
" policy. There are people who have ſplit and an-
" atomiſed the doctrine of free government, as if
" it were an abſtract queſtion concerning meta-
" phyſical liberty and neceſſity, and not a matter
" of moral prudence and natural feeling. They
" have diſputed whether liberty be a poſitive
" or a negative idea; whether it does not con-
" ſiſt in being governed by laws, without con-
" ſidering what are the laws, or who are the
" makers; whether man has any rights by na-
" ture; and whether all the property he enjoys
" be not the alms of his government, and his life
" itſelf their favour and indulgence. Others, cor-
" rupting religion, as theſe have perverted philo-
" ſophy,

" ſophy, contend, that Chriſtians are redeemed in-
" to captivity, and that the blood of the Saviour
" of mankind has been ſhed to make them the
" ſlaves of a few proud and inſolent ſinners. Theſe
" ſhocking extremes, provoking to extremes of
" another kind, ſpeculations are let looſe as de-
" ſtructive to all authority, as the former are to all
" freedom; and every government is called ty-
" ranny and uſurpation, which is not formed on
" their fancies. In this manner, the ſtirrers up of
" this contention, not ſatisfied with diſtracting our
" dependencies, and filling them with blood and
" ſlaughter, they are corrupting our underſtand-
" ings; they are endeavouring to tear up, along
" with practical liberty, all the foundations of hu-
" man ſociety, all equity and juſtice, religion, and
" order.

" Civil freedom is not, as many have endeavour-
" ed to perſuade you, a thing that lies hid in the
" depth of abſtruſe ſcience. It is a bleſſing and a
" benefit, not an abſtract ſpeculation; and all the
" juſt reaſoning that can be upon it is of ſo coarſe
" a texture, as perfectly to ſuit the ordinary capa-
" cities of thoſe who are to enjoy, and thoſe who
" are to defend it. Far from any reſemblance to
" thoſe propoſitions in geometry and metaphyſics,
" which admit no medium, but muſt be true or
" falſe in all their latitude; ſocial and civil free-
" dom, like all other things in common life, are
" variouſly mixed and modified, enjoyed in very
" different degrees, and ſhaped into an infinite

" diverſity

" diverſity of forms, according to the temper and
" circumſtances of every community. The *ex-*
" *treme* of liberty (which is its abſtract perfection,
" but its real fault) obtains nowhere, nor ought
" to obtain any where: Becauſe extremes, as we
" all know, in every point which relates either to
" our duties or ſatisfactions in life, are deſtructive
" both to virtue and enjoyment. Liberty too
" muſt be limited in order to be poſſeſſed. The
" degree of reſtraint it is impoſſible in any caſe to
" ſettle preciſely. But it ought to be the con-
" ſtant aim of every wiſe public counſel to find
" out, by cautious experiments, and rational cool
" endeavours, with how little, not how much of
" this reſtraint, the community can ſubſiſt. For
" liberty is a good to be improved, and not an
" evil to be leſſened. It is not only a private bleſ-
" ſing of the firſt order, but the vital ſpring and e-
" nergy of the State itſelf, which has juſt ſo much
" life and vigour as there is liberty in it. But
" whether liberty be advantageous or not, (for
" I know it is a faſhion to decry the very prin-
" ciple), none will diſpute that peace is a bleſſing;
" and peace muſt, in the courſe of human affairs,
" be frequently bought by ſome indulgence and
" toleration at leaſt to liberty. For as the Sab-
" bath (though of divine inſtitution) was made
" for man, not man for the Sabbath, government,
" which can claim no higher origin or authority,
" in its exerciſe at leaſt, ought to conform to the
" exigencies

" exigencies of the time, and the temper and cha-
" racter of the people with whom it is concerned,
" and not always to attempt violently to bend the
" people to their theories of ſubjection. The
" bulk of mankind, on their part, are not exceſ-
" ſively curious concerning any theories, whilſt
" they are really happy; and one ſure ſymptom of
" an ill conducted State is the propenſity of the
" people to reſort to them.

Such were the ideas of Engliſh freedom at that period (if Mr. Burke is to be conſidered as their interpreter), and ſuch was the extent to which they were carried. It was a period too which warranted (perhaps even ſtimulated) bold language. This letter to the ſheriffs of Briſtol, was written immediately after a bill had paſſed, ſuſpending the *habeas corpus* act, and in the midſt of our greateſt violence (by none more lamented than by Mr. Burke, and nowhere more by him even than in this very letter) againſt our colonies of America. It was written at a time when it was *the faſhion to decry the very principle of liberty itſelf.* Yet in theſe circumſtances of exaſperation, his language is ſuch as you have heard; and ſuch, as indeed it is no wonder it ſhould have appeared to Turgot and Price, as altogether unworthy of any man who pretended at all to inſtruct the public, or to direct their opinions. Strange, however, as it may appear, it is nevertheleſs true, that ſome of thoſe perſons who are employed to find

find out Mr. Burke's inconſiſtencies, have been ſo groſsly ſtupid, (wickedneſs and malice will not account for it, much of theſe qualities as moſt of them poſſeſs), as to fix upon ſome of thoſe very paſſages I have quoted, for proofs of what they call inconſiſtency in his opinions. It is true they only quote ſingle ſentences without any reference to what goes before or what comes after; and this, with thoſe perſons who have a better opinion of theſe men's abilities than I have, may have ſome effect in taking off the charge of ſtupidity, and throwing the accuſation elſewhere than upon their underſtandings. However, with me, notwithſtanding, it remains chiefly where it did. One of theſe paſſages, which I have ſeen quoted with great triumph ſomewhere or other in ſome printed (I am not ſure but in more than one printed) book, is that in which he ſays, "if any aſk me "what a free government is, I anſwer, that, for "any practical purpoſe, it is what the people think "ſo, &c." From this, theſe maſters of reaſoning conclude that Mr. Burke is inconſiſtent in not applauding the French Revolution. Don't you pity theſe poor people, gentlemen?

Mr. Turgot was not ſo eaſily taken in. He ſaw that ſuch doctrines as thoſe maintained in the letter to the ſheriffs of Briſtol, put an end at once to all experiments in government, proceeding only upon ſpeculation, and not called for by ſtrong neceſſity. Of this Mr. Turgot could not poſſibly approve;

approve; and Dr. Price could approve ſtill leſs. Turgot, I ſincerely believe, was a well intentioned man; with proper coadjutors, in good times, among a reaſonable people, and under the neceſſary controul, he certainly might have done France or any country conſiderable ſervice; but he was an *œconomiſte*, and it was therefore his trade to undertake reformations. But his occupation would have been wholly gone, had *thoſe ſpeculations been conſidered as vain metaphyſics, which tended to eſtabliſh fixed principles upon the rights and true intereſts of individuals and nations*. Accordingly, he anſwers for himſelf and for his countrymen, that they are of a very different opinion; and as to the people of Britain, he tells them in plain terms, that though they are not altogether in ſo bad a condition as other nations, yet they have much indeed to do before they can become in any way right, and never really can become ſo, unleſs they put themſelves under the tuition of philoſophic reaſon, like the people in France.

Mr. Burke, then as now, and as he had done and will do all his life, ſpoke highly and warmly of liberty. But this did not deceive Mr. Turgot. The liberty of Mr. Burke was a matter of moral prudence and natural feeling. With Mr. Turgot it was a matter of ſtrict ſcientific definition. On the part of Mr. Burke, liberty was conſidered to be a thing ſuſceptible of more and leſs, and which was to be regulated by the ſituations, inclinations,

and

and whole circumſtances of a people. By Mr. Turgot, liberty was held as a thing not capable of modification, of which the principles were fixed and certain, which to be enjoyed at all muſt be enjoyed to the full extent of its definition, and that could admit no diminution nor variations. It was eaſy, therefore, to ſee in what contempt he muſt have held the opinions of Mr. Burke; and more particularly that ſignal hereſy againſt the rights of men, which maintained, that a people were free to all intents and purpoſes who thought themſelves ſo; and that, unleſs they choſe it, nobody had a title to teach them better. This was finiſhing the Society *de libertate propaganda* for ever.

I do not mean to ſay, that Turgot would have approached, in any degree, to the rights of men, clubs now oppreſſing and deſtroying France. Turgot (as I have ſaid) was rather a good man; and I incline to think that he believed in a God: although in this very letter he blames very ſeverely ſome of the American ſtates for requiring religious teſts, and one teſt eſpecially, which he reckons monſtrous, a declaration of faith in the divinity of our Saviour. Dr. Price has mentioned this only in the tranſlation of the letter; in the original the ſpace is left blank. Perhaps the expreſſions of this correſpondent of a preacher of the goſpel of Jeſus were too ſtrongly impious to be given to the public as they originally ſtood; while

while at the ſame time it was neceſſary to let the people of England know what the great man's opinion was on this article of our faith, and how lightly he eſteemed it. However, Turgot certainly would never have gone the lengths of thoſe that have ſucceeded him; and I am even ready to think, that had he foreſeen what has now happened, he would have renounced his economical philoſophy for ever. It is probable that he might even think better of Mr Burke's political knowledge, were he now alive, than he did in the year 1778. He would, at all events, find the opinions of that gentleman to be preciſely, and in all reſpects, the ſame; while thoſe of the people in France, liberal and enlightened as Mr. Turgot thought them in his own days, were now (when judged of by facts at leaſt) grown into an expanſion, and had acquired an energy, which he could not have calculated, and I believe did not wiſh for.

As to the people of England, they appear to have ſtood ſtill. If Mr. Burke is to be their interpreter now, as he was formerly, the very ſame ſentiments, in that caſe, prevailed among them in 1790 as in 1777. I mean the bulk of the nation; for at both periods there were (as there are now) many lovers both of abſolute dominion and popular licentiouſneſs. Thus, in the book on the Revolution in France, Mr. Burke ſays:

" I

" I flatter myſelf that I love a manly, moral,
" regulated liberty, as well as any gentleman of
" that Society, be he who he will; and perhaps
" I have given as good proofs of my attachment
" to that cauſe, in the whole courſe of my pub-
" lic conduct. I think I envy liberty as little as
" they do to any other nation. But I cannot
" ſtand forward and give praiſe or blame to any
" thing which relates to human actions, and hu-
" man concerns, on a ſimple view of the object,
" as it ſtands ſtripped of every relation, in all the
" nakedneſs and ſolitude of metaphyſical abſtrac-
" tion. Circumſtances (which with ſome gentle-
" men paſs for nothing) give in reality to every
" political principle its diſtinguiſhing colour, and
" diſcriminating effect. The circumſtances are
" what render every civil and political ſcheme
" beneficial or noxious to mankind. Abſtracted-
" ly ſpeaking, government, as well as liberty, is
" good; yet could I, in common ſenſe, ten years
" ago, have felicitated France on her enjoyment
" of a government (for ſhe then had a govern-
" ment), without inquiry what the nature of that
" government was, or how it was adminiſtered?
" Can I now congratulate the ſame nation upon
" its freedom? Is it becauſe liberty, in the ab-
" ſtract, may be claſſed amongſt the bleſſings of
" mankind, that I am ſeriouſly to felicitate a
" madman who has eſcaped from the protecting
" reſtraint and wholeſome darkneſs of his cell,
" on

" on his reſtoration to the enjoyment of light and
" liberty? Am I to congratulate an highway-
" man and murderer, who has broke priſon, up-
" on the recovery of his natural rights? This
" would be to act over again the ſcene of the cri-
" minals condemned to the gallies, and their he-
" roic deliverer, the metaphyſic Knight of the
" Sorrowful Countenance *."

E And

* I will not put it in the text, but I earneſtly beg the attention of whoever reads this pamphlet, to what follows in this note.

On the 23d page of the *Firſt Part* of " Rights of Man," Mr. Paine writes thus:

" But Mr. Burke appears to have no idea of principles,
" when he is contemplating governments. *Ten years ago* (ſays he) *I could have feliciated France on her having a govern-*
" *ment, without inquiring what the nature of that government*
" *was, or how it was adminiſtered.* Is this the language of a
" rational man? On this ground Mr. Burke muſt compliment
" every government in the world, while the victims who ſuf-
" fer under them, whether ſold into ſlavery, or tortured out
" of exiſtence, are wholly forgotten. It is power, and not
" principles, that Mr. Burke venerates; and under this abo-
" minable depravity, he is diſqualified to judge between
" them.

I have looked into ſeveral editions of Paine, and this paragraph ſtands the ſame in all of them.

I do not believe that there is any where elſe in the world to be found an inſtance of ſuch ſhameleſs falſification.

Good breeding is due to the public, and I would not wiſh to be deficient in this reſpect. Yet there are certain things which can only be called by certain names. Mr. Paine has recorded

And elſewhere, in the ſame book, he ſays, " The objections of theſe ſpeculatiſts, if its forms " do

recorded himſelf, as long as his book laſts, to be a DELIBERATE LIAR.

An uſeful leſſon, however, ariſes from this; and I ſhall take the liberty ſhortly to enforce it.

I do not know that this forgery, impudently glaring as it is, has been hitherto detected by any perſon. By thoſe who did not much attend to Mr. Paine, this might not be much attended to either. But with Mr. Paine's diſciples (who either do not read, or read without underſtanding it, Mr. Burke's book) it would obtain thorough credit, that Mr. Burke thought any form or mode of government whatever good; and this wilful falſehood committed and commented upon by their maſter, would be of more uſe to his ſyſtem than a thouſand arguments. Once believed, it took from Mr. Burke's authority every ſort of poſſible eſtimation. What was it that he defended the Conſtitution of England, who would defend any government under the ſun! With utility ſo great and manifeſt, Paine would care but little (and it might not even happen) for after detection. That detection would not again reſtore the undermined authority, in whoſe place he had now fixed his own opinions. And as to any ſhame, he, and thoſe like him, had but little acquaintance with that ſenſation.

It is, therefore, a leſſon moſt neceſſary to be attended to, (and which the detection of this forgery demonſtrates) that, where falſehoods can be of uſe, neither their utter improbability, nor their almoſt certainty of being diſcovered, will prevent wicked and daring men from employing them. In a time, accordingly, like the preſent, he who, uninformed himſelf, grounds his approbation or diſapprobation of any proceedings or opinions upon the information of men of dubious characters, who are intereſted to miſlead, who conceal their names, or who do not give (or are not ready to give) their authori-

ties

" do not quadrate with their theories, are as valid
" againſt an old and beneficial government, as

 " againſt

lies, commits a very great evil. He encourages the propagation of falſehood for the purpoſes of wickedneſs. Nor after an expoſure ſuch as I have juſt now made, can any perſon juſtify himſelf by the common faith that is due to the common run of men. At leaſt on the part of Paine, and perſons like Paine, there can be no queſtion that he who is deceived has himſelf only to blame. It is a ſtrange thing belief, after recorded falſehood.

Nor is Paine the only impudent liar of the day. Perhaps, indeed, there is nothing which exactly equals the making a paſſage in a celebrated book read by almoſt every man in the kingdom, ſay juſt the very reverſe (and in literal terms) of what is ſaid in it, and then (which is more wonderful ſtill) to reaſon at large upon the forgery. But it is not neceſſary that every lie ſhould be wonderful. The writer of a book called the *Jockey Club*, is one of theſe brethren of Mr. Paine. This fellow (whoever he is) has not at the ſame time the full merit of the other, for he only copies (in general) and does not make the falſehoods. Being pretty much verſant in that ſpecies of reading, I have found ſcarce any thing in the Jockey Club, unleſs where the characters are abſolutely recent, which was new to me. It is pilfered almoſt entirely from magazines and former ſcandalous chronicles of the times. Whatever is in it of new, as well as the old, however falſe, can never be diſproved; for who is to contradict it, except the parties themſelves? and their contradiction, according to all the laws of this ſort of thing, would only increaſe the belief already given. In this reſpect too, this man has not the full merit of Mr. Paine, for he lies with impunity. It is not wrong in me to have mentioned this pitiful performance. I know not how it is received in London. Here it is rather a faſhionable com-

panion

" againſt the moſt violent tyranny, or the greeneſt uſurpation. They are always at iſſue with " governments,

panion; and even in the lower and middling ranks of life you have as much chance to meet with it, as with a bible or an almanack. The preſent ſtate of France is, in no ſmall degree, owing to the calumnies circulated againſt the higher orders, and eſpecially the criminalities forged againſt the Court. The ſame game is playing in this country. No inſtrument employed in it can be contemptible. Vice certainly ought to be juſtified no where; among the higher ranks perhaps leſs than any where. But he is blind, indeed, who does not ſee why real vices are exaggerated againſt them in this age, and others pretended that do not exiſt. And that man has, in truth, little foreſight who does not ſee the conſequences of ſuch publications being much read and believed.

Simple lying is of much more uſe than many people may at firſt ſight conceive. Nothing is more certain than that it is exceedingly difficult to prove that any thing is a lie. We have all naturally a great love for anecdote. It is an indiſputable fact that the moſt incredulous of men will ſincerely and obſtinately believe in an improbable enough ſtory, for no other reaſon than that they have heard it privately mentioned by ſome perſon in the way of anecdote. He has ſeen nothing of the world who has not ſeen this in a thouſand ridiculous inſtances. Then in the propagation even of what is originally true, how ſtrangely are things added and altered? In common life even, nothing is more difficult than to tell the preciſe and naked truth with regard to any tranſaction. In repeating a ſtory, a perſon often, who does not mean to deceive others, yet deceives himſelf. To tax your memory with the exact thing is what (I can ſay it upon conſiderable obſervation) very few practiſe. The ſame proceſs again takes place in the mind of the hearers, and they in many inſtances become relaters in their turn. It is

from

" governments, not on a queſtion of abuſe, but a
" queſtion of competency and a queſtion of title."

 In

from this that no man of ſenſe, in any matter of importance, will either take or ſeek any information in this way. It is the highway of error. After information is obtained more deliberately, and from more authentic ſources, communications in this way, may indeed have their uſe, checked both by what has been already learned, and by the natural circumſtances of probability. Under this limitation they are admiſſible, and may be ſerviceable. In any other way they deſerve no regard. But this is not the caſe with belief at large. People, in general, obtain information in no other manner than this, and they are accuſtomed to credit what comes to them in the uſual channel. In the common affairs of common life, as no other is to be had, ſo they think that in all affairs no other is needed. Beſides this is the very age of anecdote. It is a ſort of luxury, and an artificial fondneſs is thus added to the natural. Hence, whether facility of reception be conſidered, or difficulty of detection (and betwixt theſe there is alſo a ſtrong reaction), the man who will reſolutely ſet himſelf to be a liar, and eſpecially in ſecret and ſcandalous anecdote, cannot fail of obtaining at leaſt ſome credit and doing ſome miſchief, and moſt probably of both a very great deal. Nor will a mixture of the marvellous (even to a great degree) impair this credit. In many inſtances it will increaſe it.

In this manner, a publication ſuch as the Jockey Club, is, perhaps, the beſt *literary concern* that a perſon can be engaged in. If the man who writes it be not ſo ſhabbily poor, as to be wholly at the mercy of his bookſeller, he ought very ſoon to put himſelf in a ſituation to be above any other neceſſity of telling falſehoods all his life again, unleſs what ariſes from the neceſſity of his nature. It is certainly a very lucrative thing. If, indeed, he be thus miſerably poor, it will be very

right

In another paſſage it is ſaid, " Government is " not made in virtue of natural rights, which may " and

right in his employers (that is right for their own intereſt) to keep him ſo. They may feed him chained in the ſtable. And, indeed, for this they could not be much blamed; unleſs that, after all, the confinement may be uſeleſs, as there being little more labour than mere copying, the buſineſs might be done by almoſt any body who was not too apt to bluſh at an untruth.

I have dwelt too long upon theſe perſons, the one with, and the other without a name. But as I never wiſh to ſpeak of Mr. Paine afterwards, where I can poſſibly avoid it, it may not be wrong juſt now to ſay all of him that I mean at any time to ſay in general.

I cannot bring myſelf to think that he is a man of any abilities, even in the low caſt to which he belongs. It is evident (though ſometimes it is clear that he wilfully miſtakes) that from mere ſtupidity he cannot comprehend the meaning of ſufficiently ſimple propoſitions. What Dr. Parr ſays of his talents (with all the reſtrictions) is a ſeverer libel than I would chooſe to pronounce upon the Doctor's judgment. It is no doubt true that Paine here and there expreſſes himſelf forcibly. But ſo does a fiſhwoman at Billingſgate. He is far from deſerving the better part of the character given of a raſcal of old by Cicero. Part of it applies exactly enough. *Longe autem poſt natos homines improbiſſimus C. Servilius Glaucia, ſed peracutus, et callidus, cum primiſque ridiculus.* I think he is better repreſented by a character of ſtill more antiquity, and his interference, I truſt, will in no long time be *univerſally* attended with the ſame effects. The perſonage I mean is Therſites. Of him Dionyſius of Halicarnaſſus ſays: Τοῦτο καὶ ἡ Ὁμήρου τέχνη. επειδὴ γαρ ἑώρα τὸ στρατόπεδον ἀγανακτοῦντας ὑπὲρ Ἀχιλλέως πρὸς Ἀγαμέμνονα, καὶ διὰ τοῦτο ὁ προθύμως ἔχοντας συμμαχεῖν, ἀλλ' ἀπαλλακτικῶς ἐπὶ τῶν πατρίδων, ἠθέλησε λῦσαι τὰ ὑπὲρ Ἀχιλλέως δίκαια, ἀνέστησεν ἐν αὐτῷ συνήγορον ἐπίφθονον, γελοῖον, ἵν' ἐν τῇ τοῦ συνηγόρου κακίᾳ ἀφανισθῇ τὸ δίκαιον τοῦ πράγματος. Perhaps it may be thought very fooliſh to quote

" and do exiſt in total independence of it, and ex-
" iſt in much greater clearneſs, and in a much
" greater degree of abſtract perfection, but their
" abſtract perfection is their practical defect."
And again, " The reſtraints on men, as well as
" their liberties, are to be reckoned among their
" rights, But as the liberties and the reſtrictions
" vary with times and circumſtances, and admit
" of infinite modifications, they cannot be ſettled
" upon any abſtract rule, and nothing is ſo fooliſh
" as to diſcuſs them upon that principle."

 And

quote Greek when ſpeaking about Mr. Paine. But I am ſpeaking about Mr. Paine to Dr. Parr, and to you, gentlemen. Dr. Parr ſees that far from being of opinion with him, that Mr. Paine can make the worſe appear the better reaſon, I think that the better reaſon, ſhould it by any ſtrange accident fall into his hands, would infallibly appear the worſe. What Therſites, however, in a good cauſe did, Mr. Paine will ſoon do in his bad cauſe; in this country, at leaſt, ſo long renowned for genuine natural feeling and plain manly ſenſe; he will have rendered it ſtill more contemptible to our underſtandings, and ſtill more diſguſting to our ſentiments.

By the bye, the Latin tranſlation of the Greek quoted above is ſo admirably ſtupid as to be truly diverting, that is, after reading the Greek, for the Latin of itſelf is unintelligible. Reiſke, whoſe edition I have, ſays that he allowed the Latin to ſtand juſt as he found it in Hudſon. Reiſke ſays alſo (and I think he is right) that Greek books ſhould be publiſhed without any Latin tranſlation. I am ſure that in ſome caſes the tranſlation is more difficult than the original. But Reiſke ſays another thing, (in which I hope he is wrong) that no good edition of a Greek author has ever been publiſhed by an Engliſhman. If he is right, I wiſh Dr. Parr (giving up politics) would make him wrong.

And to quote no more (for the thing would be endleſs), the ſame book ſays: "The pretended "rights of theſe theoriſts are all extremes, and in "proportion as they are metaphyſically true, they "are morally and politically falſe. The rights of "men are in a ſort of *middle*, incapable of defini- "tion, but not impoſſible to be diſcerned. The "rights of men in governments are their advan- "tages, and theſe are often in balances between "differences of good; in compromiſes ſometimes "between good and evil, and ſometimes between "evil and evil. Political reaſon is a computing "principle, adding, ſubtracting, multiplying, and "dividing, morally and not metaphyſically, or "mathematically, true moral denominations."

The coincidence, the almoſt identity between theſe paſſages and thoſe which have been quoted from the letter to the ſheriffs of Briſtol, is ſo ſtriking, and there are ſo many others of the ſame deſcription to be found in all Mr. Burke's works, that I have ſometimes been ready to wonder, that, among the many accuſations againſt this gentleman, nobody ever yet took it in his head to charge him with want of genius aud imagination, from his ſo often ſaying over again the ſame things. It would be a charge much more eaſily-made out than that of inconſiſtency.

My friend Mr. Mackintoſh has here got himſelf into a ſtrange hobble. His *enlightened advocate of humanity and freedom* maintains the very ſame pro-

poſitions

poſitious in the work from which he obtains this title, that are expreſsly, and by name, and at much length, combated by my friend when found in the book on the Revolution. Particularly that maxim which my friend conſiders as deſtructive of the *grand theoretic principle* of the *ci-devant* French Conſtitution, that the *abſtract perfection of liberty is its real fault*, is the maxim of the letter to the ſheriffs of Briſtol, and only repeated in the Reflections on the Revolution in France. This ſhews how much deliberation is neceſſary before venturing upon approbation and praiſe.

It muſt, however, be confeſſed (in this parallel between the opinions on government held in France and England, antecedent to this revolution) that ſome men in England, and not democratiſts, were not juſt of the ſame mind with my friend as to Mr. Burke's doctrines in this letter to the ſheriffs of the city he repreſented in Parliament. Of this number was the Earl of Abingdon, who wrote a pamphlet of no leſs than ſixty-four pages againſt this celebrated letter. His Lordſhip gives the very higheſt praiſes to Mr. Burke, but he thinks his principles of government to be, in many inſtances, adverſe to freedom. The noble Lord, however, ſeems to have adopted this opinion from a conſiderable confuſion of thought (yet there are ſome not bad things in his pamphlet), and from not being able exactly to comprehend what Mr. Burke plainly enough ſays. The Earl makes

makes one miſtake, (not juſt ſo ſtupid as thoſe made by the nibblers at Mr. Burke's writings in theſe days although) ſufficiently ſingular and curious. Mr. Burke (as you will remember to have read above, gentlemen) had ſaid that he was not very ſolicitous to clear himſelf of an incapacity to diſcuſs abſtract politics, becauſe men, even leſs converſant than himſelf in theſe matters, had, *by the mere force of civil diſcretion*, often conducted the affairs of great nations with diſtinguiſhed felicity and glory. Upon this the Earl exclaims, "What! are the "rights of Engliſhmen to be held at the *diſcretion* "of miniſters? Is *civil diſcretion* the rule of our "government? Wherein does *civil diſcretion* dif- "fer from *will*, the law of tyrants? And will any "miniſter of this country ſay I *am not converſant* "*in this kind of ſubtleties, the extent and foundation of* "*theſe rights*, and therefore will govern by this un- "conditional power, the mere force of *civil diſ-* "*cretion*!" I know not whether it be neceſſary to tell any of you, gentlemen, that civil diſcretion means civil wiſdom gathered by experience in civil affairs.

My friend (though he has as clear a head as any man I know) has done ſomething not much better than this in his interpretation of the word *convenience*, as applied by Mr. Burke (in the Reflections) to government. I do not mean at preſent (it is not the place for it) to follow my friend through the reaſoning he employs in defence of what

what he calls the grand theoretic principle of the French Conſtitution, and in the courſe of which argument he changes the terms and the queſtion upon himſelf and his readers (he is incapable of doing it upon the one without having firſt done it upon the other), more, I am certain, than a dozen of times in the compaſs of not many more pages. I am only to obſerve, that after having proceeded in his argument againſt the principles of Mr. Burke, which have been quoted above, till he had diſcovered that theſe principles did not neceſſarily infer (as indeed they do the reverſe) that natural rights were completely and abſolutely, and in every ſenſe, extinguiſhed by entering into ſociety, and that, accordingly, all he had been ſaying on this matter was nothing to the purpoſe, he, upon this, changes again the queſtion which he had often changed before, and making it to be whether, an *end* being obtained, all diſcuſſion of the theoretical aptitude of the *means* be unneceſſary, he then very gravely decides in the negative, upon the ground that the inflexibility of general principles of *expediency*, both in morals and politics, and in the laſt ſtill more, cannot yield to motives of *convenience, without the bulwark of all upright politics being loſt*. By marking the word *convenience*, as he has done, in reference to the quotation made by him at the diſtance of ſome pages from Mr. Burke, (in which that gentleman ſays, that ſo ſoon as natural rights ſuffer any poſitive limitation, the

whole

whole organization of ſociety becomes a conſideration of "convenience"), the reader is immediately led to think that *convenience* is juſt what Lord Abingdon took *diſcretion* to be. My friend will acknowledge, upon peruſal, that Mr. Burke meant by *convenience* juſt what my friend himſelf means (if he intended any meaning) by *expediency*.

I make no apology to my friend for the freedom I either here uſe, or may afterwards uſe with him. "The time," as he ſays himſelf, "is too "ſerious for compliment." He has ſome excuſe, however, for what I have noticed, as unthinkingly done by him, from the general confuſion of his whole argument upon the "theoretic principle," in this ſection; an argument which I ſhall afterwards confute by explaining. And as to the general confuſion itſelf (either here or elſewhere), his excuſe for that, is, that his eyes are fixed ſo earneſtly on the future proſpect, as not accurately to perceive preſent objects. While the *viſions of glory* will on no account *ſpare his aching ſight*, while he is looking forward to the *Elyſium* in which the human race are to dwell, after firſt paſſing through the *Tartarus* of France, it is no wonder that he ſhould, at times, not ſee with ſufficient diſtinctneſs around him. Seriouſly, he knows well that no man can admire his underſtanding more than I do; and it is an underſtanding with which no man ever came into contact without admiration. But he knows equally well, that on this

this momentous controverſy, involving the religion, morals, and exiſtence of mankind, I will (as I am bound to do) ſpeak my mind moſt plainly. I may convince my friend himſelf of his error; and how great a good would I then do? It is alſo doing good, if I convince others that he has erred. Where I love, as my friend well knows, I do not love lightly; and there is no need now, at this time of day, to tell him that I love him. But his arguments I ſhall conſider as thoſe of a ſtranger; open to be, without any management, refuted where I can refute them. I ſhall do it boldly, as I ſhall do it fairly.

*Signa, pares aquilas, et pila minantia pilis.*

So far as convenience or expediency can be embodied into general rules (and long and enlightened experience muſt have this effect), Mr Burke, of all men living, is the perſon who will wiſh theſe general rules to be ſacredly obſerved. He has lamented the contrary practice again and again, and moſt ſeverely. He has lamented it as to India and as to America; the two great theatres of his labours for the good of his country and of man. In the ſpeech on *American taxation*, he ſays, " It is not a pleaſing conſideration; but no-
" thing in the world can read ſo awful and ſo
" inſtructive a leſſon, as the conduct of miniſtry
" in this buſineſs, upon the miſchief of not hav-
" ing large and liberal ideas in the management

" of great affairs. Never have the ſervants of " the State looked at the whole of your compli- " cated intereſts in one connected view. They " have taken things, by bits and ſcraps, ſome at " one time and one pretence, and ſome at ano- " ther, juſt as they preſſed, without any ſort of regard " to their relations or dependencies. They never " had any kind of ſyſtem, right or wrong; but " only invented, occaſionally, ſome miſerable tale " for the day, in order meanly to ſneak out of " difficulties, into which they had proudly ſtrut- " ted. And they were put to all theſe ſhifts and " devices, full of meanneſs and full of miſchief, " in order to pilfer piecemeal a repeal of an act, " which they had not the generous courage, when " they found and felt their error, honourably and " fairly to diſclaim. By ſuch management, by " the irreſiſtible operation of feeble councils, ſo " paltry a ſum as threepence in the eyes of a " financier, ſo inſignificant an article as tea in the " eyes of a philoſopher, have ſhaken the pillars " of a Commercial Empire that circled the whole " globe." This he ſaid in 1774. In 1785, he holds the ſame language. In the ſpeech on the *Nabob of Arcot's debts*, he ſays, " I think I can " trace all the calamities of this country to the " ſingle ſource of our not having had ſteadily be- " fore our eyes a general, comprehenſive, well- " connected, and well-proportioned view of the " whole of our dominions, and a juſt ſenſe of

" their

" their true bearings and relations. After all its
" reductions, the Britiſh empire is ſtill vaſt and
" various. After all the reductions of the Houſe
" of Commons (ſtripped as we are of our bright-
" eſt ornaments, and of our moſt important pri-
" vileges), enough are yet left to furniſh us, if
" we pleaſe, with the means of ſhewing to the
" world, that we deſerve the ſuperintendence of
" as large an empire as this kingdom ever held,
" and the continuance of as ample privileges as
" the Houſe of Commons, in the plenitude of its
" power, had been habituated to aſſert. But if
" we make ourſelves too little for the ſphere of
" our duty; if, on the contrary, we do not ſtretch
" and expand our minds to the compaſs of their
" object, be well aſſured, that every thing about
" us will dwindle by degrees, until at length our
" concerns are ſhrunk to the dimenſions of our
" minds. It is not a predilection to mean, for-
" did, home-bred cares, that will avert the con-
" ſequences of a falſe eſtimation of our intereſt,
" or prevent the ſhameful dilapidation into which
" a great empire muſt fall, by mean reparations
" upon mighty ruins." It is certain, therefore, that Mr. Burke, of all men, will be the laſt to give up to any partial temporary convenience or expediency, that broad general convenience by which alone ſubordinate advantages can be either obtained or ſecured. This would be to ſin againſt experience, whence theſe maxims of expediency

are

are drawn. It would be to ſin againſt experience, to which, in politics, Mr. Burke has always given, not merely the chief, but the only ſway. The general maxims thus collected from the nature, the circumſtances, and the ſituation of affairs, form the philoſophy of ſtateſmen. He is no ſtateſman who has not a ſyſtem of them: He will never "conduct the affairs of great nations "with diſtinguiſhed felicity and glory." Without ſuch ſyſtem, experience of itſelf will do no good. Without ſuch ſyſtem, experience (if it deſerves the name) will be often and often belied, often and often deceived moſt fatally. With ſuch ſyſtem, experience will be the collected wiſdom of ages. With ſuch ſyſtem, it will be this collected wiſdom applied, not looſely, but with accuracy and meaſurement, to the exiſting caſes and emergencies. With ſuch ſyſtem, it can never be belied or deceived, but by a total change in the nature of man. I have ſaid a little ago, that thoſe who were very anxious to accuſe Mr. Burke, might charge him with want of genius and fancy, by finding the ſame doctrines in different places of his works. I did not ſay they would be right. And perhaps the leſs on this account, that thinking ſo much in a ſyſtem as he does, the ſame maxims muſt always be applied to things that are the ſame in themſelves, however apparently different. Antient philoſophy thought the greateſt effort of the human intellect conſiſted in diſcover-

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ing *the one in the many*. Perhaps modern philoſophy thinks otherwiſe.

The fortune of this ſtateſman has been ſingularly ſtrange. In the former part of his life (eſpecially during the American war), he had to contend againſt abſtract metaphyſical politics, which, from the nature and eſſence of ſovereignty, deduced as fine-ſpun theories of *ſervitude*, as their ſucceſſors have done of *anarchy*, from the rights of man. To theſe theories he oppoſed practical policy, antient uſage, arguments drawn from the circumſtances and ſituation of affairs, from the good already poſſeſſed, from the evil likely to be incurred, from the danger of the means, and from the inutility of the end. He was called an American and a rebel. In the latter part of his life, he has had to contend againſt abſtract metaphyſical politics, which, from the nature and eſſence of popular rights, holds all government, not only to be inſtituted for the good of the people (as it moſt certainly is), and ſubject to diſſolution upon breach of the compact, but, for any reaſon or no reaſon, and at their mere will, to be changed and ſubverted, without any regard to conſtitutional precedent, to fundamental laws, or to circumſtances of civil ſituation. To theſe theories he oppoſed alſo practical policy and antient uſage; he argued that the people's will was itſelf ſubject to general expediency and juſtice, that a ſociety, once ſettled by fair convention, could not be unſettled, unleſs the convention

was broken; that government had rights to claim as well as duties to fulfil; and that, while it fulfilled theſe covenanted duties, its right to covenanted obedience was ſacred, and paramount and indefeaſible. He is called a courtier, an apoſtate, an advocate of deſpotiſm. This may be a little painful in the mean time; but it is the ſureſt pillar of his fame.

Dr. Parr ſhall be refuted by Mr. Paine.

He ſpeaks as follows in the firſt part of "Rights of Man."

"It was not againſt Louis the Sixteenth, but "againſt the deſpotic principles of the govern- "ment, that the nation revolted. The king was "known to be the friend of the nation; and this "circumſtance was favourable to the enterpriſe. "Perhaps no man bred up in the ſtile of an ab- "ſolute king ever poſſeſſed a heart ſo little diſ- "poſed to the exerciſe of that ſpecies of power "as the preſent king of France. But the prin- "ciples of the government itſelf ſtill remained "the ſame. The monarch and the monarchy "were diſtinct and ſeparate things; and it was "againſt the eſtabliſhed deſpotiſm of the latter, "and not againſt the perſon or principles of the "former, that the REVOLT commenced, and the "revolution has been carried."

"Mr. Burke does not attend to the diſtinction "between *men* and *principles;* and, therefore, he

"does

" does not ſee that a REVOLT may take place againſt " the deſpotiſm of the latter, while there lies no " charge of deſpotiſm againſt the former."

" The natural moderation of Louis the Six- " teenth contributed nothing to alter the here- " ditary deſpotiſm of the monarchy. All the " tyrannies of former reigns, acted under that " hereditary deſpotiſm, were ſtill liable to be re- " vived in the hands of a ſucceſſor. It was not " the reſpite of a reign that would ſatisfy France, " enlightened as ſhe was then become. A caſual " diſcontinuance of the *practice* of deſpotiſm, is " not a diſcontinuance of its *principles;* the for- " mer depends on the virtue of the individual who " is in immediate poſſeſſion of the power; the " latter on the virtue and fortitude of the nation. " In the caſe of Charles the Firſt and James the " Second of England, the revolt was againſt the " perſonal deſpotiſm of the men; whereas, in " France, it was againſt the hereditary deſpotiſm " of the eſtabliſhed government."

Theſe things are ſaid in the 19th and 20th pages of the publication to which I refer; and in the 22d page, ſpeaking of Louis the Fourteenth and Louis the Sixteenth, he ſays, " The deſpotic " principles of the government were the ſame in " both reigns, though the diſpoſitions of the men " were as remote as tyranny and benevolence."

After this, what are we to think of Dr. Parr? after this declaration of his maſter and teacher in *matters of fact?* Upon what authority has the

Doctor dared to ſay, that " in France the heavy " preſſure of the regal power clogged the firſt ef- " forts of reformation." The truth is, that he ſaid it upon no authority; that he ſaid it without ſo much as thinking whether it was falſe or otherwiſe. He ſaid it merely becauſe, by a falſe aſſociation, he had coupled France and the exerciſe of deſpotiſm inſeparably together. He ſaid it like a fool. Should he perſiſt in ſaying it now, he will ſay it as a criminal.

Our ears are aſſailed with this ſort of balderdaſh every day. No man in this country will deny (I am ſure at leaſt I am not that man) that Mr. Paine is perfectly right (this perſon is entitled to the benefit of the old proverb) in ſaying, that the principles of the French government (as of no government) cannot be ſaved, when bad in themſelves, merely becauſe, for the time, they are not exerted in miſchievous and wicked actions. The ſubjects are entitled to better ſecurity for their freedom than the perſonal character of their ſovereign. Their freedom, as well as their allegiance, ought to be only by law. It ought to be held neither at the will of the king nor the will of the people. All this is exceedingly true. All this is abſolutely neceſſary for eſtabliſhing any thing like good and protecting government. Accordingly, a reformation of the government of France was indiſpenſable. But on this account muſt men maintain, in oppoſition to

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ſure and acknowledged facts, that this reformation was peculiarly neceſſary during this reign, that the exerciſe of deſpotiſm in France was come to its height, that the oppreſſions of the monarchy were grown beyond endurance, and that the regal influence was employed to conſolidate, to ſtrengthen, and to prevent all attack upon the abuſes of the government? Muſt they even go farther, and ſay (as is ſaid now) that the old government of France had become in practice ſo dreadful, that it was neceſſary to ſubvert it from its foundations? Mr. Paine himſelf, at that time (not two years ago), dared not to ſay this. It was a ſtrain beyond even his audacity. You have his word for it, gentlemen, (if you think his word in any caſe good for any thing) *that the exerciſe of deſpotiſm, during the preſent reign, had totally ceaſed in France.* Mr. Paine himſelf thought only of taking ſecurity againſt the *ſucceſſor.*

What have we here! A man who roams from country to country, "riding with darkneſs," and prowling for his prey; the declared enemy of all eſtabliſhed governments on the whole face of the whole habitable earth, bound by no moral, by no religious tie, a ſtranger to the charities of father, ſon, brother, and huſband*; the bloodhound of democracy who noſes out his game in its moſt



* Scarcely any thing in Homer is, in my mind, ſo affecting as what Achilles ſays to Patroclus, when enquiring the cauſe

ſecret and remoteſt places of refuge; who (and though it does not ſound ſo frightful to the ears, yet it is more dangerous and guilty ſtill) for the accompliſhment of his deſperate deſigns, and ſupplying the want of talents by the extreme of audaciouſneſs, holds it pardonable, and, indeed, praiſeworthy, to diſſeminate falſehoods, to pervert and alter facts, and even to fabricate them; this man (this very man), this man himſelf is compelled to own (the impoſſibility of denial could alone have led to the confeſſion) that the government of France

cauſe of his tears and lamentations; for it was not beneath theſe heroes even to weep. The firſt thing Achilles aſks is whether his friend had heard any evil news from Phthia, and then he adds:

Ζώει μὲν ἔτι φασὶ Μυρμιδόνων, Ἀντιφος υἱὸς,
Ζώει δ' Αἰακίδης Πηλεὺς μετὰ Μυρμιδόνεσσι,
Τῶν κε μάλ' ἀμφοτέρων ἀκαχοίμεθα τεθνειώτων.

There are (it is certain) many other paſſages which are pathetic in the higheſt degree, and from the ſame cauſe. When Andromache, after bewailing the fall of all her father's houſe, tells her Hector:

Ἕκτορ, ἀτὰρ σύ μοι ἐσσὶ πατὴρ, καὶ πότνια μήτηρ,
Ἠδὲ κασίγνητος, σὺ δέ μοι θαλερὸς παρακοίτης.

Every heart muſt feel the pathos irreſiſtible. Yet it is ſomeway more irreſiſtibly affecting ſtill, to find theſe charities of relationſhip wrought ſo cloſe about the heart of the ſtern and inexorable Achilles. Perhaps the modern philoſophers may think that the whole is very much out of nature.

Shakeſpeare makes Hamlet, as the very climax of deteſtation, call his hated uncle, a *kindleſs villain*. Homer and he ſeem to have thought that the man who had no private virtues to exerciſe, would never learn any public ones.

France, under its preſent beneficent and perſecuted monarch, was only in *principle* and not in *practice* a deſpotiſm. This man is now ſitting (I do not mention this as at all ſtrange, in him it would have been ſtrange had it been otherwiſe; he is ſitting) in an aſſembly which has deſtroyed the monarchy of France, and thrown their ſovereign and his family into a dungeon. This is not ſtrange in him. But what ſhall be ſaid to others? ſome who approve, and too many who do not ſtrongly condemn theſe dreadful proceedings!

Thoſe who directly and abſolutely approve, are indeed few, though more in number much than they ſhould be: *Sunt impii cives, pro caritate reipublicæ nimium multi; pro multitudine bene ſentientium, admodum pauci.* None of them are among you, gentlemen. For that reaſon (though it is neither my only nor my chief reaſon) I ſhall ſay nothing of theſe miſerable men at all.

As to thoſe who do not ſtrongly condemn, *their* conduct affords a moſt awful document of the frailty of unaſſiſted human nature, of the ſtrong neceſſity there is for a well-balanced and ſteady mind, and of the danger that attends forming raſh and haſty judgments on affairs of which the means and ends, as well as the character of the actors, are little known, and known indiſtinctly. Had things been preſented, ſuch as they now are, to the eyes of any individual, even the moſt furiouſly and ſenſeleſsly in love with what he thought liberty,

he muſt have turned aſide from their view with diſguſt and horror.

I know perſons, who, condemning (and ſeverely) many of the tranſactions in France, yet approve of the revolution taken altogether, notwithſtanding theſe crimes. Some of theſe perſons are ſuch, that for me to pretend more (or even equal) humanity, more (or even equal) regard to juſtice, more tenderneſs of heart, better ſenſe, ſtricter probity, a greater love of order, whether in my conduct in life, or in general thought and feeling, would be ſhameleſs abſurdity and impudent weakneſs. They know not what has been done in France, and why it has been done. This is at once their excuſe and their crime. For it is a crime (I cannot give it a ſofter name) ignorantly to approve of a conſpiracy againſt all the rights of mankind, and all their intereſts here and hereafter; a conſpiracy for deſtroying all belief in God, and all duty to man. Even in the little I am to ſay, you ſhall be convinced of this yourſelves, gentlemen, before I leave this ſubject. Only let not my ſtrong expreſſions (not ſtronger; in many inſtances they cannot be ſo ſtrong as the reality) hurt or offend any honeſt man who has been betrayed into a confuſed and indiſtinct approbation of theſe deteſtable affairs. Let them not be conſtrued as if I arrogated to myſelf any ſuperiority in talents or in feeling. I claim no other merit than that of having endeavoured to acquire information before I gave praiſe *.

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* For any freedom of ſpeech either employed formerly, or which may be uſed afterwards, perhaps both more frequently

I have ſaid that the inſtances of good men who do not ſtrongly condemn what has taken place in France, is a thing which affords an awful leſſon to us. It certainly does ſo. From Mr. Paine himſelf we learn how eaſy it was to accompliſh all the neceſſary reformation of France, and how much both the example and the will of the ſovereign were favourable to theſe ſalutary changes. The revolution (if it muſt be called by that name, and if that appellation is thought *in itſelf* honourable) had begun the very day this prince mounted the throne, and had been gradually proceeding every ſubſequent day. It was finally accompliſhed by the aſſembling of the States General. This king (according to Mr. Paine) had already abandoned the *practice* of deſpotiſm. By calling the States he abandoned the *principles* alſo. All that they had to do, was to turn his practice into the law of the land, binding upon him and his ſucceſſors for ever. Or, if Mr. Paine talks too moderately, they might have proceeded (in my opinion certainly without blame) to ſome farther meaſures. They might have improved even upon the King's practice,

quently, and more forcibly, I ſhall apologiſe (if it is neceſſary) in the words of Demoſthenes to the Athenians:—
Ὁ μὲν ἐῶν παρὼν καιρὸς, εἴπερ ποτε, καὶ νῦν πολλῆς φροντίδος καὶ βουλῆς δεῖται. ἐγὼ δὲ οὐχ ὅ, τι χρὴ περὶ τῶν παρόντων συμβουλεῦσαι, χαλεπώτατον ἡγοῦμαι, ἀλλ' ἐκεῖνο ἀπορῶ τίνα χρὴ τρόπον, πρὸς ὑμᾶς περὶ αὐτῶν εἰπεῖν· ἀεὶ δὲ, ἂν μετὰ παρρησίας πωῶμαι τοὺς λόγους, ὑπομένειν. τοῦτο θεώρουντας εἰ τάληθῆ λέγω, καὶ διὰ τοῦτο ἵνα τὰ λοιπὰ βελτίω γένηται. ὁρᾶ τι γὰρ ὡς ἐκ τοῦ πρὸς χάριν δημογορεῖν ἐνίους, εἰς πᾶν προελήνυθε μοχθηρίας τὰ παρόντα πράγματα.

tice, and fulfilled to their utmoſt letter, the utmoſt wiſhes of their conſtituents the nation. All this they might have done without paſſing a ſingle decree that they did paſs, without authoriſing or permitting any of thoſe foul deeds which they authoriſed, permitted, or were compelled to permit. All this they might have done without even deſtroying the Baſtile, of which ſome people talk as if it had been the chief end, and fully compenſated all the confeſſed crimes of this revolution. It was not in their inſtructions either to demoliſh, or to take, or to attack this ſtate priſon. It was in their inſtructions to paſs ſuch laws as that no perſon ſhould be confined either in it, or elſewhere, whoſe miſdeeds did not deſerve confinement; and if it was not in their inſtructions, it was equally binding as if it had been in them, that places of confinement, and the Baſtile among others, ſhould be appointed for thoſe who tranſgreſſed the laws, or were regularly, and according to fixed judicial form, charged with tranſgreſſing them. This was what the States had to do, conſulting and providing by a fixed durable ſettlement, which no future ſovereign durſt overturn, for the laſting ſafety of France; and it was all they had to do; all they had to do for their own glory; all they had to do for the welfare of their country; all they had to do for fulfilling the benevolent intentions of their monarch; all they had to do for obtaining the applauſes and ſecuring the happineſs of Europe and the

the world. The revolution would then have been hailed with the paeans of liberty throughout the univerſe. At the day-ſpring of the French Conſtitution, the ſons of freedom would have ſung together, and all her children ſhouted for joy. The ſtar of her freedom might have ſhot its rays athwart the deepeſt gloom of tyranny. The antient prophecy might have been fulfilled. " The " nations might have come to her light, and kings " to the brightneſs of her riſing." She would, in the ſame ſublime language, have been made " an " eternal excellency, a joy of many generations." Her light would have been as permanent as it was univerſal. But inſtead of this, what iniquities has ſhe not perpetrated; into what horrors has ſhe not plunged! And this too without any cauſe but evil, without any end but evil. From the firſt day the States met, the labour has been to deſtroy that freedom of which they were put in poſſeſſion. If ſuch has been the caſe, and if either the approbation or the ſilence of any men among the nations around them, has given them the boldneſs to proceed in this mad and wicked carreer; or, if their example has thus become dangerous to theſe nations themſelves, it is an awful warning indeed againſt haſty and ignorant judgment. Nor is it leſs a document againſt the danger which mortal man, when he abandons himſelf to his own fancies, incurs, of miſtaking vice itſelf for virtue, and of viewing with little abhorrence, or with no abhorrence,

rence, in the imaginary hope of ſome unreal good, even the worſt and blackeſt of crimes. A French author of the laſt century has truly ſaid: *C'eſt un grand malheur, que d' 'être vicieux; mais c'en eſt encore un plus grand de ſe croire vertueux quand on ne l'eſt pas.* Alas! that our nature ſhould ſink ſo low! And how neceſſary is that Chriſtian religion, which, by teaching us our weakneſs, teaches us our ſtrength, which by convincing us of our ignorance, conducts us to wiſdom, how neceſſary is it for preſerving us from falling through the pride of our imaginations, and an impotent reliance on our uninformed underſtandings, into a forgetfulneſs of every thing that belongs to the dignity of our nature; how neceſſary, how very neceſſary is it, that religion, of whoſe helps and conſolations it is now the avowed intention of the atheiſtic confederacy to deprive for ever the race of man! Never was the aſſiſtance which it holds out to frail humanity ſo much to be implored as in our days. "A "man's heart deviſeth his way, but the Lord di- "recteth his ſteps."

We all remember how much the calamities of France were ſaid to be overcharged in Mr. Burke's Reflections on the Revolution. It was an accuſation made in every company, and publiſhed in every pamphlet. My friend himſelf, in his book, held the ſame language. Where particular facts were mentioned, they were attempted to be extenuated, ſometimes wholly denied. Of this laſt ſort, there

there is an example in Mr. Paine both aſtoniſhing and important. He ſays: " Mr Burke, on the au-
" thority of M. Lally Tollendal, a deſerter from
" the National Aſſembly, ſays, that on entering
" Paris, the people ſhouted *Tous les eveques à la*
" *lanterne*: All biſhops to be hanged at the lan-
" thorn or lamp-poſts. It is ſurpriſing that nobo-
" dy could hear this but Lally Tollendal, and that
" nobody ſhould believe it but Mr. Burke. It
" has not the leaſt connection with any part of the
" tranſaction, and is totally foreign to every cir-
" cumſtance of it. The biſhops had never been
" introduced before into any ſcene of Mr. Burke's
" drama. Why then are they, all at once, and
" altogether, *tout à coup et tous enſemble*, introdu-
" ced now? Mr. Burke brings forward his biſhops
" and his lanthorn like figures in a magic lanthorn,
" and raiſes his ſcenes by contraſt inſtead of con-
" nection. But it ſerves to ſhew, with the reſt of
" his book, what little credit ought to be given,
" *where even probability is ſet at defiance for the pur-*
" *poſe of defaming*; and with this reflection, inſtead
" of a *ſoliloquy* in praiſe of chivalry, as Mr. Burke
" has done, I cloſe the account of the expedition
" to Verſailles." Almoſt all this paſſage is utter nonſenſe, wholly devoid of any ſort of meaning: Yet it was not for this that I quoted it, (I would then quote more than half the book, which nakedly and abſolutely is made up of paſſages without any meaning), though at the ſame time it is a curious,

rious, as well as ſtrong proof, how eaſy a matter it is to work upon the minds of the people. But leaving this, you perceive, gentlemen, that Mr. Paine thought this fact of the cry againſt the biſhops, to be a matter ſo criminal and flagitious, ſo dreadful and ſhocking, that there was no way of doing but abſolutely to deny it. He conſiders it to be ſo horrible, that it cannot poſſibly be true. "It ſets even probability at defiance." This was at the beginning of their Revolution. After their Conſtitution had been ſettled, and repeatedly confirmed by oaths, their biſhops, and all their clergy, have been maſſacred or exiled. Mr. Paine thinks nothing of this now. And Oh! gracious God! many think but lightly of it at this day, of this the moſt inhuman and cold-blooded maſſacre, recorded by hiſtory or tradition, while the very threat of it, only three years ago, was declared by the moſt unprincipled and unfeeling wretch on earth, to be a fabricated falſehood that ſet probability at defiance. What is to become of our morals! *Væ cæcis ducentibus, væ cæcis ſequentibus!*

But if the book on the Revolution was treated as containing an overcharged account of what had taken place in France, the *letter to a member of the National Aſſembly* was not ſpoken of in terms ſo gentle. It was called *wild, extravagant, an effuſion of anger, a mere evacuation of bile*, and a thouſand other ſuch names of reprobation. This too was done in print, and by people who told the world

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in print, that to call names was very naughty. Accordingly they could not be ſuppoſed to break through their own rule, but to fulfil a moſt weighty and urgent duty; a circumſtance which gives additional ſeverity to their epithets. My opinion of that letter is indeed very different. I think the vigour of its eloquence, its manly ſenſe, and the charm of its morals equal to what is found in any of the other works of its author. But I certainly do remember well when ſome of the fierceſt democratiſts conſidered it as a rank libel on the French Revolution, declared its language to be frantic, and its predictions abſurd. Compared with what has now happened, the language is moderation itſelf, and the predictions are faint and feeble indeed to thoſe who look at the accompliſhment.

In that letter Mr. Burke ſays to his correſpondent:

" I am not apprehenſive that in ſpeaking freely
" on the ſubject of the king and queen of France,
" I ſhall accelerate (as you fear) the execution of
" traitorous deſigns againſt them. You are of
" opinion, Sir, that the uſurpers may, and that
" they will gladly lay hold of any pretext to throw
" off the very name of a king; aſſuredly I do not
" wiſh ill to your king; but better for him not to
" live, (he does not reign), than to live the paſ-
" ſive inſtrument of tyranny and uſurpation.

" I

" I certainly meant to ſhew, to the beſt of my " power, that the exiſtence of ſuch an executive " officer, in ſuch a ſyſtem of republic as theirs, is " abſurd in the higheſt degree. But in demon- " ſtrating this, to *them* at leaſt I can have made " no diſcovery. They only held out the royal " name to catch thoſe Frenchmen to whom the " name of king is ſtill venerable. They calculate " the duration of that ſentiment, and when they " find it nearly expiring, they will not trouble " themſelves with excuſes for extinguiſhing the " name, as they have the thing. They uſed it as " a ſort of navel-ſtring to nouriſh their unnatural " offspring from the bowels of royalty itſelf. Now " that the monſter can purvey for its own ſubſiſt- " ence, it will only carry the mark about it, as a " token of its having torn the womb it came from. " Tyrants ſeldom want pretexts. Fraud is the " ready miniſter of injuſtice; and whilſt the cur- " rency of falſe pretence and ſophiſtic reaſoning " was expedient to their deſigns, they were under " no neceſſity of drawing upon me to furniſh them " with that coin. But pretexts and ſophiſms have " had their day, and have done their work. The " uſurpation no longer ſeeks plauſibility. It truſts " to power."

" Nothing that I can ſay, or that you can ſay, " will haſten them by a ſingle hour, in the execu- " tion of a deſign which they have long ſince en- " tertained. In ſpite of their ſolemn declarations,

their

" their ſoothing addreſſes, and the multiplied oaths
" which they have taken, and forced others to
" take, they will aſſaſſinate the king when his
" name will no longer be neceſſary to their de-
" ſigns, but not a moment ſooner. They will
" probably firſt aſſaſſinate the Queen, whenever
" the renewed menace of ſuch an aſſaſſination lo-
" ſes its effect upon the anxious mind of an affec-
" tionate huſband. At preſent, the advantage
" which they derive from the daily threats againſt
" her life, is her only ſecurity for preſerving it.
" They keep their ſovereign alive for the purpoſe
" of exhibiting him, like ſome wild beaſt at a fair,
" as if they had a Bajazet in a cage. They chooſe
" to make monarchy contemptible by expoſing it
" to deriſion, in the perſon of the moſt benevolent
" of their kings."

I well remember the time (indeed how is it poſſible to forget it?) when this language was ſaid to be raving and inſane. This I have heard in converſation till I was deafened with it. This, any body that chooſes may ſee in printed books numerous enough. Among others, there is ſome perſon of the name of Belſham, (one of the lights of the age he muſt be, for his title-page mentions him as the author of eſſays philoſophical, hiſtorical, and literary), who ſays, after referring to the above paſſages, and to that moſt beautiful and moral paſſage which ſucceeds, concerning their feſtival of the fourteenth of July :---" Is this really the language

" of a Britiſh ſenator, diſtinguiſhed by his ſuperi-
" or knowledge and eloquence? or is it the rant
" of one,

——" *who, lock'd from ink and paper, ſcrawls*
*With deſp'rate charcoal round his darken'd walls!*"

" Of a character once admired and venerated, not-
" withſtanding its eccentricities, Mr. Burke had
" ſome remains yet to loſe, when his evil genius
" prompted him, in an evil hour, to publiſh theſe
" Reflections on the French Revolution; and his
" friends, if, indeed, he has any friends remaining,
" muſt be grieved and aſtoniſhed to ſee him, in the
" cloſe of life, ſink into an object of ſcorn and pi-
" ty, as much beneath our cenſure, as on ſome
" memorable occaſions he formerly roſe ſuperior
" to our praiſe." We all know now, how far, and whether or not the language of Mr. Burke, in theſe and other paſſages of this letter, has been extravagant or miſtaken. I am ſorry that we do not alſo all draw from it the concluſions which this knowledge ſhould ſuggeſt.

Indeed, by a proper uſe of the ſtrange events of our time, mankind may, at leaſt, learn wiſdom. Among other things we ought all to be convinced, and to act upon the conviction, that it does not merely happen in many caſes, (as an antient thought) but is an univerſal rule that " *maledicus* " a *maleſico* non diſtat, niſi *occaſione*."

Once more, let us guard againſt the relaxation of our morals, againſt their perverſion. Much may be done by well ſtudied means to overthrow them almoſt wholly. Mr. Burke has lamented this greatly with regard to India. In the ſpeech on the debts of the Nabob of Arcot, he has ſaid: "The junction of the power of office in England, "with the abuſe of authority in the Eaſt, has not "only prevented even the appearance of redreſs "to the grievances of India, but I wiſh it may not "be found to have dulled, if not extinguiſhed, the "honour, the candour, the generoſity, the good na-"ture, which uſed formerly to characteriſe the "people of England." Certainly much was done, and ſtill is doing, to turn our natural ſympathies from that country. The ſame thing is attempted with regard to France; and with regard to France it is yet more dangerous. In the caſe of *Williams*, Mr. Fox ſaid of an argument uſed in the Houſe of Commons, that it could have been uttered by no man *whoſe morals had not been polluted by a reſidence in India.* India is indeed a bad ſchool of morals. It is only the happier born (and there are ſuch) who eſcape the contagion. But France is a ſchool ſtill worſe. The pollution of India (in thoſe that are polluted) does not affect the mind ſo univerſally. A complete Frenchman of the modern ſtamp does not retain one feeling of thoſe that appertain to the nature of man. And arguments are employed on French affairs every day,

and in this country, which but for the pollution caught from France no man could utter, and I am ſure none could hear without horror.

However, the old Engliſh ſpirit ſtill ſubſiſts. The ſubſcriptions for Poland and for the French clergy, are proofs of this. The old ſpirit of the Britiſh merchants too is ſtill the ſame. Our national character ſurvives, and (under the bleſſing of God), will long ſurvive this falſe philoſophy, its diſciples, and teachers: ἰσχυει τι καὶ ψυχὴ ἐν τοῖς ἐμοῖσιν.

Dr. Parr ſhall be refuted by Mr. Rabaut de St Etienne.

This reverend Proteſtant democratiſt, in a work publiſhed before the aſſembly of the States, and intituled, *Conſiderations ſur les interets du Tiers Etat*; ſpeaks as follows:

" Cependant, le meilleur des rois a donné la " preuve la plus eclatante de la parfaite bonne foi " avec laquelle il cherit ſes peuples; il a donné " un exemple que n'avoit fourni aucun prince, et " qui, dans ſa generoſité ſublime, ne ſera peut-être " déſormais imité par aucun; il a rendu compte a " ſon peuple de ſes revenues et de ſes dépenſes; " il n'a pas craint de ſoumettre á l'examen de ſes " ſujets les deſordres oú ſes finances étoient tom- " bées; il a declaré avec vigueur a ſes miniſtres " qu'il ne vouloit plus ni impots, ni emprunts; il " a médité des plans de reforme dirigés contre les " abus même qui avoient occaſionné ces maux di- " vers; il a aſſemblé les notables de ſon royaume;

" et

" et avec cette noble franchiſe d'un pere qui com-
" munique a ſes enfans les maux de ſa famille, il
" leur a demandé leurs conſeils.

" Le zéle des notables n'a pas ſeulement repon-
" du aux espérances de la nation, il les a ſurpaſſées.
" En cherchant le remede deſiré, ils ont compris
" qu'ils etoient inſuffiſans pour le fournir: ils ont
" propoſé au monarque d' aſſembler les états gé-
" néraux de la nation, de leur expoſer la longue
" et douloureuſe plaie de l'état, et de les inviter à
" la guerir. Un prince deſpotique eût rejeté ce
" conſeil, et Louis XVI. l'adopta."

And afterwards, ſpeaking of the interval between the Aſſembly of the Notables, and of the States General, he ſays:

" Tout ce qui s'eſt paſſé depuis a fait ſentir la
" neceſſité d'une aſſembleé nationale. Le parle-
" ment, le clergé, la nobleſſe la demandent, et le
" roi, *le roi la déſire plus qu' eux tous;* il n' a laiſſé
" echapper aucune occaſion de le témoigner, et
" d'annoncer à la nation qu'il vouloit lui rendre
" une prérogative qui pouvoit ſeule rétablir l' or-
" dre public. Exemple mémorable, nous le ré
" peterons, qui doit toucher les François de recon-
" noiſſance, et réveiller le zéle d'un peuple éclairé
" induſtrieux, actif, et plein d' attachement pour
" ſes maitres."

I am very ignorant of the affairs of France ſince this National Convention met, partly from wearineſs and diſguſt, and partly from want of materials

of information. I may afterwards reſume my activity. But, owing to this, I cannot ſay whether this reverend gentleman be or be not a member of the Convention now ſitting, and whether he is the perſon ſtiled, according to their new nomenclature, (the lateſt faſhion that has come up) *Citizen Rabaut*. It is a matter of no great conſequence. Nothing is more likely than that he is a member of it. At all events we all know he was a member and a Preſident of the *Conſtituting* Aſſembly, whoſe works have been of ſuch endurance. In this capacity, having undergone a very ſignal change himſelf, (judging of him from what has been juſt quoted) he became exceedingly anxious that all other perſons and things ſhould be changed alſo. It was in this capacity that he ſaid, "Tous "les établiſſemens en France couronnent le mal-"heur du peuple; pour le rendre heureux il faut le "renouveler; changer ſes ideés; changer ſes loix; "changer ſes mœurs, changer les hommes, changer "les choſes, changer les mots; tout détruire; oui, "tout détruire; puiſque tout eſt à recreer." If he, indeed, be a member of the Convention, this gentleman, he may be again employed in his favourite buſineſs of *deſtruction*. As to *changing*, I wiſh he would try his hand at that a ſecond time; in two inſtances at leaſt, the *ideas* and *manners* of the French people; for theſe are, indeed, moſt ſhocking at preſent; moſt inſane and brutal.

But whatever this reverend democratiſt is doing, or whether he be doing any thing at all, your buſineſs

buſineſs and mine, gentlemen, juſt now is, with what is ſaid in the paſſages I have above quoted. From them it appears that the Parliaments wiſhed for the Aſſembly of the States, that the clergy wiſhed the ſame, that the nobility wiſhed the ſame, and that the king, above all the reſt, wiſhed and deſired it, and even allowed no occaſion to eſcape of publiſhing to the nation his intentions and wiſhes. This conduct Mr Rabaut de St Etienne ſtated *then* (it will be ſo ſtated by all good men at all times) to be of moſt ſignal and unexampled generoſity, what ought to endear their king to all Frenchmen, and to inſpire them with laſting gratitude and loyal zeal; zeal the more loyal the more they were enlightened. The parliaments who demanded this aſſembly were aboliſhed by it. The clergy who demanded it, have been robbed of their property, maſſacred, and exiled. The nobility who demanded it, have been degraded and annihilated as an order, their houſes pillaged and burnt to the ground, and thoſe of them who did not eſcape from the kingdom almoſt all cruelly murdered. The king (" this beſt " of kings") who ſo earneſtly deſired this aſſembly, who himſelf called them together, and under his own authority,---is in priſon, and may be murdered at any time with impunity. This is the reward as to himſelf; and theſe are the conſequences as to his nation,---not of oppoſing the meditated reforms (as Dr. Parr gives it out), but

as theſe very men, who name from day to day his keepers, do themſelves acknowledge, (or did acknowledge) of conſulting the wiſhes, and gratifying the deſires of his own benevolent heart, and of what, to his ſore loſs, he imagined to be a generous, good, and faithful people.

Dr. Parr ſhall be refuted by the Count de Mirabeau.

But here, gentlemen, you muſt indulge me for a time. I think very differently of Mirabeau from thoſe I have hitherto mentioned. I muſt expreſs myſelf very differently of him alſo.

The Count de Mirabeau was a bad man. That is indiſputable. He has occaſioned great and laſting evil. He was prepared for any atrocity neceſſary to the accompliſhment of his deſigns. But the Count de Mirabeau had a ſtrong, powerful, and commanding mind. He had great talents; and he could employ them (which is itſelf the greateſt of talents) on ſudden emergencies, and in all directions. In a popular aſſembly, that man is almoſt irreſiſtible upon whom attack has no other effect than to call forth inſtant, forcible, and ſublime effuſions of thought. If he belongs to the prevailing party, he will render their victory eaſier and more ſplendid. If he is of the minority, he will prevent them from being ever defeated with ſhame. As to himſelf, he will never

appear

appear vanquiſhed. A good man, with theſe talents, is the greateſt public bleſſing. A wicked man, with theſe talents (and great talents ſometimes, though rarely, belong to wicked men), is the greateſt public curſe. Yet our natures are ſo conſtituted, that it is impoſſible to contemplate ſuch a man without ſome ſort of involuntary reſpect and eſtimation. Eſpecially if he ſtand alone, amidſt the meaner agents of iniquity, the only character of force, thought, boldneſs, and knowledge; while the reſt only "in the catalogue go "for men," with the inſolence of cowards, and the preſumption of dunces.

At the ſame time, I am far from ſaying that Mirabeau was one of the "great bad men of the old "ſtamp." Aſſuredly he was not. The talents of Mirabeau were wonderfully below their talents. He was not fit to be Cromwell's drummer. The old diſturbers of the world would have trodden him under their feet. But he was the greateſt man in this way of his country and his time.

If, after all, I have rated Mirabeau too high, I have ſome excuſe. He is dead. One or two of my beſt friends (partly, and I am exceedingly ſorry for it, democratiſts) know that, with the moſt thorough deteſtation of his character, I yet heard the news of his death with conſiderable ſenſibility.

Mirabeau had, beſides, ſome apology, both for the crimes he committed or adviſed, and for the crimes he conceived. Mirabeau was (as many *honeſt* men in theſe days are) an enthuſiaſt and fanatic.

natic. It was not the mere love of evil which upon all occaſions led him on. That man has not ſtudied the character of Mirabeau, (and in the penury of evil men of great talents, it deſerves to be ſtudied), who does not know that in many, very many inſtances, he was the dupe of his own deceptions.

There can be no man (upon the preſent plan of things, that is upon the plan of things for more than three years back) of great and laſting power in France. Mirabeau was the only man who had a chance to preſerve his power which he had obtained to no inconſiderable degree. Mirabeau was an object of ſome awe even to the ſavages of Paris. Not having been made by them they could not unmake him, and as to competitors in the National Aſſembly, if any of this ſort approached too near him, he could, by a little effort, throw them back to their original and natural diſtance. I mean competitors on the ſame ſide with himſelf; for on the ſide of the monarchy and the laws, there were more than one man, of much greater intrepidity, much bolder imaginations, much ſounder judgments, much deeper and more extenſive information, and (to crown all) of the moſt firm, undaunted, unaſſailable virtue. Public gratitude will no longer exiſt among mankind, when the names of Maury, Cazales, and d'Epreſmenil are forgotten. The ſecond of theſe memorable men was a ſoldier, with all the gallantry and honour that belongs to this noble profeſſion, and with a fire of imagination and ſtrength of judgment

ment rarely found in any man of any profeſſion. The laſt mentioned gentleman (with great faults in in the beginning, redeemed afterwards by great virtues) has reſcued from otherwiſe unavoidable infamy, the profeſſion of the law in France. And as to the Abbe Maury, the eternal honour of the French clergy, I know myſelf too well to attempt his eulogy. The eulogy of all the three, and of their honeſt and brave aſſociates, is the debt, and will be paid through a long courſe of generations, by grateful poſterity; by poſterity who will conſider them (and conſider them with juſtice) as the champions of the human race againſt the moſt formidable combination ever entered into for the deſtruction of its liberties and happineſs, and againſt a fanaticiſm more horrid and relentleſs than the moſt ſavage religioniſts had at any time diſplayed in the darkneſs and ferocity of Europe.

It is not of theſe exalted men that I ſpeak, when I ſay that Mirabeau had no competitors. I ſpeak then of thoſe belonging to his own gang, engaged all in wicked meaſures, though not all with the ſame diſpoſitions, or for the ſame purpoſes It is true, that added to all the other cauſes of diſunion, and of authority being ſhort lived in any one individual, or deſcription of men; there was, beſides (as there ſtill is), that moſt powerful of all diſuniting cauſes, a low jealouſy and rivalſhip, a baſe ambition among their leaders, which made each man ſicken at the fame (ſuch as it was) of his fellow. It is this low turn of mind that may long

deprive

deprive France of a ſtable tyranny, the only conſolation that wretched people can receive under the preſent ſyſtem of things. Mirabeau was the only man in France to whom this low rivalſhip might have been converted (its natural change) into equally low adulation.

Accordingly, Mirabeau had ſome chance of preſerving, in ſome degree, ſome influence or power. In this reſpect, his death was perhaps a public calamity. Beſides, it is certain (in my opinion at leaſt) that Mirabeau was to ſome length a monarchiſt. To accompliſh the purpoſes of his ambition, he might have entered into deſigns for deſtroying the preſent ſovereign, or cutting off the reigning line. But he aſſuredly did not wiſh to remove the throne, though he might wiſh to have the command of him who ſat on it. The mind of Mirabeau was not (as I have juſt now ſaid) ſo corrupted, ſo mean, and baſe, and grovelling, as the ſouls of thoſe who now domineer (for the day) in France. Neither do I think that he would, of preference, have choſen bloody means to accompliſh his object. It is on this account that I have, more than once, regretted with myſelf that this man is not ſtill alive. And this without any connection with that ſentiment founded upon the premature death of one who has diſtinguiſhed himſelf (even wickedly diſtinguiſhed himſelf) by talents ſo much above his fellows. France under him might poſſibly have been deformed with crimes leſs ſhocking to our natures. More than this

this, I am far from being ſure that Mirabeau might not (in circumſtances that have exiſted) have been brought to do eſſential ſervice, perhaps to join himſelf wholly to the royal cauſe. Altogether, I wiſh he ſtill had been living. Alas! what times are theſe, in which I am not aſhamed to expreſs ſome affection for a notoriouſly wicked man, a foul rebel, and a traitor!

I have ſaid that Dr. Parr ſhall be refuted by the Count de Mirabeau. More properly I ſhould ſay by the National Aſſembly. It is their addreſs, preſented on a memorable occaſion, for the recal of the troops ſtationed at Paris, and which was written by Mirabeau. It is very eloquent, but it is much more ſingular. A moſt wonderful document it is indeed. He who wiſhes to peruſe the whole of it, will find it in N° 19 of the *Proces-verbal*, 9th July 1789.

THIS ADDRESS SAYS:

" SIRE,

" Vous avez invité l'ASSEMBLEE NATIONALE à " vous temoigner ſa confiance: c'etoit aller au de- " vant du plus cher de ſes vœux.

" Nous venons dépoſer dans le ſein de votre " Majeſté les plus vives alarmes. Si nous en étions " l'objet, ſi nous avions la foibleſſe de craindre " pour nous mêmes, votre bonté daigneroit en-

" core

" core nous raſſurer, et même, en nous blamant
" d'avoir douté de vos intentions, vous accueille-
" riez nos inquiétudes, vous en diſſiperiez la cauſe
" vous ne laiſſeriez point d'incertitude ſur la poſi-
" tion de l'ASSEMBLEE NATIONALE."

" Mais, SIRE, nous n'implorons point votre pro-
" tection; ce ſeroit offenſer votre juſtice. Nous
" avons conçu des craintes, et, nous l'oſons dire,
" elles tiennent au patriotiſme le plus pur, à l'in-
" téret de nos commettans, a la tranquillité publi-
" que, au bonheur du Monarque chéri, qui, en
" nous applaniſſant la route de la félicité, mérite
" bien d'y marcher lui meme ſans obſtacle.

" Les mouvemens de votre cœur, SIRE, voilà le
" vrai ſalut des François. Lorſque des troupes
" s'avancent de toutes parts, que des camps ſe for-
" ment autour de nous, que la Capitale eſt inveſtie,
" nous nous demandons avec étonnement: le roi
" s'eſt-il meſié de la fidelité de ſes peuples? S'il
" avoit pu en douter, n'auroit il pas verſé dans no-
" tre cœur ſes chagrins paternels? Que veut dire
" cet appareil menaçant? Ou ſont les ennemis de
" l'etat et du Roi qu'il faut ſubjuguer? Ou ſont
" les rebelles, les Ligueurs qu'il faut réduire? Une
" voix unanime répond dans la Capitale et dans
" l'étendue du Royaume: *Nous cheriſſons notre*
" *Roi; nous béniſſons le Ciel du don qu'il nous a fait*
" *de ſon amour.**

And

* Theſe words in Italics are put ſo there by Baudoüin, the printer of the National Aſſembly, and not by me. I make it a rule to follow them not only literally, but typographically.

And again:

" L' Etat n 'a rien à redouter que des mauvais " principes qui oſent aſſiéger le Trône même, et " ne reſpectent pas la conſcience du plus pur, du " plus vertueux des Princes. Et comment s'y " prend-on, SIRE, pour vous faire douter de l'at- " tachement et de l'amour de vos ſujets? Avez- " vous prodigué leur ſang? Etes-vous cruel, im- " placable? Avez-vous abuſé de la juſtice? Le " peuple vous impute t-il ſes malheurs? Vous " nomme-t-il dans ſes calamities! Ont-ils pu " vous dire que le peuple eſt impatient de votre " joug, qu'il eſt las du ſceptre des Bourbons? " Non, non, ils ne l'ont pas fait; la calomnie du " moins n'eſt pas abſurde; elle cherche un peu de " vraiſemblance pour colorer ſes noirceurs."

The Addreſs concludes thus:

" SIRE, nous vous en conjurons au nom de la " Patrie, au nom de votre bonheur et de votre " gloire; renvoyez vos ſoldats aux poſtes d'ou vos " conſeillers les ont tirés; renvoyez cette artillerie " deſtineé à couvrir vos frontieres; renvoyez, ſur- " tout, les Troupes etrangéres, ces Alliés de la " Nation, que nous payons pour défendre et non " pour troubler nos foyers: Votre Majeſté n'en a " pas beſoin. Eh! pourquoi un Roi adoré de " vingt cinq millions de François, ſeroit-il accou-

" rir

" rir à grands frais autour du Trône quelques mil-
" liers d'etrangers? SIRE, au milieu de vos enfans,
" ſoyez gardé par leur amour: les Députés de la
" Nation ſont appelés à conſacrer avec vous les
" droits éminens de la Royauté ſur la baſe immu-
" able de la liberté du peuple. Mais, lorſqu'ils
" rempliſſent leur devoir, lorſqu'ils cedent à leur
" raiſon, à leurs ſentimens, les expoſériez vous au
" ſoupçon de n'avoir cédé qu' à la crainte? Ah!
" l'autorité que tous les cœurs vous déférent, eſt la
" ſeule pure, la ſeule inebranlable; elle eſt le
" juſte retour de vos bienfaits, et l'immortel apa-
" nage des Princes dont vous ſerez le modéle."

Any man with the common feelings of a man, and who knows any thing whatſoever of the affairs of France, that can read what is above written without indignation, is a man with whom, I ſincerely pray to God, neither myſelf, nor any one I love, may ever, at any time, have any ſort of connexion. You ſee, gentlemen, with what ſervility of adulation this king, under the proſpect of ſerving his people, was ſo foully and ſo cruelly betrayed. It is true there was great inſolence (ſuch as has at no time, unleſs by actual rebels in times of actual rebellion, taken place in this country; there was certainly great inſolence) in demanding from the king the recal of thoſe troops which were aſſembled (as ſhall be afterwards narrated, and as this addreſs itſelf is partly obliged to confeſs) for the ſafety of the people, and the ſecurity of the kingdom.

kingdom. This is true. But you have ſeen what at this time of danger and alarm, when the laws had been openly deſpiſed, the government publicly inſulted, and the Aſſembly itſelf menaced by the people, though with the connivance and even incitement of many of its members, what, at this time, were the means employed by traitors to cheat their ſovereign into his ruin, to make him repoſe with confidence on very treachery, and to diveſt himſelf of all ſort of defence, at the moment when the embodied revolters were proceeding to immediate hoſtilities. It is at this very time they declare (in expreſs and literal terms) that in all Paris and through the whole kingdom, nothing was to be heard but univerſal thankſgivings to Heaven for a king the beſt gift of its love to men. It is at this time they declare, that calumny has not been ſo ſenſeleſsly abſurd as to impute any of the calamities of France to its monarch, its beloved monarch, who had levelled the road of public happineſs for his people. It is at this time they aſk where an enemy of the king is to be found, where a rebel or conſpirator. It is at this time they demand who has had the audacity to ſay that any Frenchman was impatient of the royal yoke, was weary of the ſceptre of the Bourbons. It is at this time they inquire whether any perſon has been ſo frontleſs as to accuſe the king of any one act of injuſtice or cruelty during his whole reign. It is at this time they conclude all theſe declarations and

queſtions by the repeated and ſolemn aſſeveration that the people of France were not only guiltleſs of any deſign againſt the monarchy, but that none had been found of ſuch daring effrontery as even to accuſe them of it; that the deputies of the nation were called together by the people, (" the children of the king"), for the expreſs purpoſe of *conſecrating the eminent* RIGHTS *of royalty* upon the immoveable baſis of the liberty of the ſubject; and that while they were fulfilling this duty, dictated equally by their reaſon and their ſentiments, even the ſuſpicion ſhould be removed of their being influenced by fear, inſtead of by that authority, yielded to the ſovereign by every heart, and which was the juſt return of his benefits, an authority that could never be ſhaken or impaired, that would be the immortal inheritance of thoſe princes who formed themſelves upon his example. In this way, by their complicated treachery, the plot was laid and executed for the utter overthrow of the monarchy of France.

No ſuch act of perfidy is recorded in hiſtory. None ſuch has come down to us by tradition. It was impoſſible to paſs it over wholly in ſilence, though taking notice of the circumſtances of the times is anticipating what I am to ſtate in detail afterwards. I now, therefore, ſay no more. Aſſuredly this addreſs proves that the firſt efforts of reformation in France were not clogged by the heavy preſſure of the regal power. That power itſelf

itſelf had laboured (and too earneſtly and too careleſsly) in making the highway of reformation.

It is more neceſſary to ſet bounds to ourſelves in theſe affairs of France, than in any ſubject beſides that can occupy the public mind. I am doing the ſame thing that I have repeatedly done on theſe very affairs. I am writing on and accumulating proofs till the work may grow out of all ſize for preſent publication. I muſt, therefore, ſtop. Only one proof more ſhall be given. Dr. Parr ſhall be refuted by the citizens of Nantes.

Only, before doing this, I have forgotten two circumſtances of much importance.

Dr. Parr is refuted by Mr. Petion. He was one of the deputation named by the Aſſembly (ſix from the clergy, ſix from the nobility, and twelve from the Tiers Etat) to preſent this addreſs to the king.

Dr. Parr is refuted by Mr. Roberſpierre. He alſo was one of this deputation*.



* Alſo, and at parting with the Count de Mirabeau on this occaſion, let me place here in a note, the moſt curious plagiariſm, perhaps ever recorded. It has no connexion with the preſent ſubject. It is a conſiderable time ſince I firſt ſaw it. It has recurred to my mind by an aſſociation I could eaſily enough trace, were it proper to trace it. It regards Mirabeau, and it is a very ſingular thing. Theſe are reaſons ſufficient for putting it here; at leaſt, I can give no better.

The Count de Mirabeau, in a publication of the year 1788, "Aux Bataves ſur le Stathouderat," thus addreſſes the republican

And now for the citizens of Nantes.

Every body knows how early and how ſtrongly this city declared for the Revolution. Soon after the

publican party, whoſe deſigns had been overthrown by the Duke of Bruniwick's march into Holland.

" Que ſi une lumière prophétique vous eût révélé les éve-
" nemens futurs, les maux que vous avey ſoufferts, et ceux que
" vous ſouffrez encore, en ce cas même vous auriez dû pren-
" dre la reſolution que vous avez priſe, pour peu que vous
" euſſiez reſpecté votre gloire, et vos ancêtres, et les juge-
" mens de la poſterité.—O illuſtre diſgrace! O victorieuſe
" défaite! Puiſſe cette mémorable époque être graveé dans
" les annales du monde en caractères ineffaçables, et ſa gloire
" reſter toujours nouvelle pour vos derniers neveux! Ah!
" Soyez á jamais ignorés de quiconque ne ſaura pas qu' ayant
" á combattre la tyrannie au-dedans, la force au dehors, la lé-
" géreté de vos voiſins, vous avez ſuccombé en défendant la
" cauſe de l'honneur, la cauſe de la patrie, la cauſe de l'eſpéce
" humaine! Peut-être la fortune triomphera-t-elle de la re-
" nommeé, comme elle a triomphé de la vertu. Mais votre
" conſcience, du moins, bravera ſes atteintes, et le ſouvenir
" de ce que vous avez tenté habitera ſans ceſſe au fond de
" vos cœurs; il y repoſera comme en un ſanctuaire; il n'en
" ſortira qu'avec la vie."

There is nothing (I believe) of Mirabeau that I have not read. I remember nothing finer than this paſſage.

But Mr. Burke, on the 28th of February 1785, had in the Houſe of Commons, (ſee Speech on the Nabob of Arcot's debts) ſpoken thus upon an alluſion made to Mr. Fox's Eaſt India Bill.

" It is not neceſſary that the right honourable gentleman
" ſhould ſarcaſtically call that time to our recollection. Well
" do I remember every circumſtance of that memorable pe-
" riod. God forbid I ſhould forget it. O illuſtrious diſ-
" grace! O victorious defeat! May your memorial be freſh

" and

the States had met, its inhabitants ſent an addreſs to the National Aſſembly. The Aſſembly ordered this addreſs to be annexed to their *proces-verbal* of Tueſday 7th July 1789. Among other things this addreſs ſays what follows.

" La Cité de Nantes convaincue que l'intéret " du Peuple François eſt inſéparable de celui de " ſon Souverain, et qu'il ne parviendra jamais à " ſecouer le joug ſous lequel il gémit depuis ſi " long-temps, qu'en donnant la plus grande ex- " tenſion au pouvoir exécutif, tous les membres

 " qu'un

" and new to the lateſt generations! May the day of that " generous conflict be ſtamped in characters never to be can- " celled or worn out from the records of time! Let no man " hear of us, who ſhall not hear, that in a ſtruggle againſt the " intrigues of courts, and the perfidious levity of the multi- " tude, we fell in the cauſe of honour, in the cauſe of our " country, in the cauſe of human nature itſelf! But if for- " tune ſhould be as powerful over fame, as ſhe has been pre- " valent over virtue, at leaſt, our conſcience is beyond her " juriſdiction. My poor ſhare in the ſupport of that great " meaſure, no man ſhall raviſh from me. It ſhall be ſafely " lodged in the ſanctuary of my heart, never, never, to be " torn from thence, but with thoſe holds that grapple it to " life."

I never certainly met, myſelf, (I know not what others may have done), any plagiariſm in all its circumſtances equal to this.

At the ſame time it is a moſt beautiful tranſlation. I have a tranſlation into French, of *the Reflections*. It bears to be a fifth edition. Yet I cannot endure to read it.

What an acquiſition it would have been to French literature, had Mirabeau tranſlated Burke's works.

" qu'un ſi preſſant motif réunit dans ce moment,
" jurent ſur l'autel de la patrie, en préſence du
" juge redoutable des Rois et de leurs ſujets, de
" maintenir l'autorité royale dans toute ſon inté-
" grité, et de réprimer de toutes leurs forces les at-
" tentats de ceux qui auroient la hardieſſe de vou-
" loir le partager.

Remplie de reconnaiſſance pour cette longue
" ſuite de monarques qui ont fait des efforts pour
" rompre les fers forgés dans les ſiecles de barba-
" rie, et rappeler l'homme a ſa dignité naturelle ;
" pénétreé des vertus du prince bienfaiſant qui a
" rendu a la nation ſes anciennes aſſembleés, et
" qui eſt perſuadé que les droits du Trône et les pro-
" priétés des ſujets repoſent ſur la meme baſes ;
" ils chargent leurs députés de proclamer l'hom-
" mage reſpectueux de leur fidélité inviolable pour
" la maiſon régnante, de leur amour pour le Roi
" citoyen que Dieu leur a donné dans ſa bonté ;
" ils lévent leurs mains vers le Ciel, et proferent
" le ſerment de ſacrifier leur fortune, de verſer juſqu'
" à la derniére goutte de leur ſang pour mainte-
" nir le ſceptre dans la Maiſon de Bourbon, pour
" ſoutenir les décrets de cette auguſte aſſembleé,
" pour defendre enfin la liberté de la nation Fran-
" çoiſe, qui n'eut jamais pour ennemis que les
" ennemis même des Rois ; ils appellent la ven-
" geance ſur la téte coupable des méchans qui o-
" ſeroient calomnier des ſujets fidéles, lorſque ces
" memes ſujets ont la noble confiance de mettre
" leurs droits ſous la ſauve-garde du Trône, et ne

" veulent

" veulent etre heureux que du bonheur du leur " Souverain."

I ſhall certainly make no ſort of remarks upon theſe paſſages in this addreſs. The addreſs itſelf is to be conſidered in no other light than as a decree of the National Aſſembly. It was inſerted in their journals by their orders. It ſeems, indeed, to have happened (by a ſort of ordination of Providence) for the good of mankind, that ſo many documents ſhould appear in theſe journals, which completely prove the treachery and villainy of theſe pretended aſſertors of mens rights. The numerous volumes of their *Proces-verbal*, depoſited in public libraries, will not load the ſhelves in vain. It is the authentic record of their wickedneſs and crimes; of their progreſs from treachery to open guilt, and from guilt, ſuch as former ages had known or heard of, to ſuch as only their training and diſcipline could make human nature either practiſe or conceive. One thing may be thought ſingular, though it is perfectly in nature. He who looks at the two or three firſt volumes of the *Proces-verbal*, (that is, for nearly the ſpace of four months before theſe two members left it) will find that the motions or diſcourſes (where theſe laſt are inſerted) of Mr. Mounier and the Count de Lally Tolendal are by far more ſtrongly expreſſed, and with leſs management for the exiſting powers, than is to be found in the other documents of thoſe times. Theſe two virtuous men (grievouſly miſtaken as they had been in the beginning, and culpable as they unqueſtionably were) boldly ex-

preſſed what they honeſtly conceived. They went, indeed, much too far; and trod upon the very confines of democracy; though what they did wrong ſerves only to ſhew how eaſily the beſt natures may be deceived, how almoſt impoſſible it is that they ſhould be polluted; how even ſtrong underſtandings may be led aſtray, yet how ſurely honour and ſenſe will break through the deluſion; what danger there is in yielding to general ideas of fancied good, and how great power there is in honeſty to diſſipate the phantoms that have thus been raiſed; an argument of caution at once, and of hope, of diſtruſt in ourſelves, yet at the ſame time of confidence. The errors of theſe two worthy and able men, as well as their virtues, are fruitful of inſtruction. Gentlemen, they deſerve your conſideration moſt ſeriouſly and anxiouſly indeed.

Perhaps, I may have tired you, gentlemen, by theſe long and numerous quotations, I did not intend at firſt to have taken up more than one or two pages. I have been led inſenſibly on. But I have not been led on uſeleſsly, I hope. He will be an adventurous man, indeed, who, after theſe documents have been peruſed, maintains that the royal influence in France was oppoſed to the cauſe of reformation. He will be equally regardleſs of truth and of his character, who does not own, that in that kingdom, during this reign, ſo much had been done to mitigate the deſpotiſm, that the reformation was eaſy; indeed, the eaſieſt of all things. The power was given and the means; nothing

nothing was wanting but will and virtue. The National Aſſembly truly ſaid, that no king had ever done ſo much for any people. Mr. Burke is far from ſpeaking with juſtice, when in the "Reflections," he ſays, *that there had been ſome ſpirit of reform during the whole reign.* This is cold and feeble, and not nearly approaching to the truth. It was a reign altogether made up of reformation.

I am now to take leave of Dr. Parr; I will not do him ſo much injuſtice as to ſuppoſe that he is not now convinced of his error. He ought to pray (both he and myſelf, and all of us who in this age are not aſhamed of being Chriſtians) that the indignities done to the King of France, and the oppreſſion which he ſuffers, may not be the means of ſhutting up the benignity of ſovereigns, *(like a fountain ſealed)*, and of perpetuating tyranny upon the earth, as the only ſecurity againſt rebellion. Mr. Burke has expreſſed the ſame fears; I wiſh it may not be too truly.

Μήτε ἐτι πρόφρων, ἀγανὸς, καὶ ἤπιος ἐστω
Σκηπτοῦχος βασιλεὺς, μηδὲ φρέσιν ἴσιμα ἰδυῖα,
Ἀλλ' ἀεὶ χάλεπτός τ' ἔστω, καὶ ἄσυλα ῥέζοι.

I hope this is a curſe which is not to fall on future generations.

I proceed in my view of French affairs.

There were other circumſtances of great efficacy towards the progreſs of rational and manly freedom in France, had it been the intention of thoſe who

who ſought or acquired authority there, to eſtabliſh any thing of that ſort in that country.

Early in this century the ſtudy of antiquities began in France to be joined intimately with the political hiſtory of the Conſtitution. The lawyers and antiquaries of France, who had flouriſhed in the preceding century, and from the time indeed of the revival of letters in the weſt, had been the glory and the very ſovereigns of European erudition. In this country there was nothing to compare with them. Even Selden in England, and Spelman, were as to them *Dii minorum gentium*. As for Scotland, unleſs a learned judge who lives in theſe days, ſhe never had any antiquary at all. To talk of Skene as one, is to talk folly. Craig, greatly learned as to the later times, was altogether ignorant of the beginnings of the feudal government. Lord Kaimes was a reaſoner, with all the faults of a reaſoner, except his invention. Of the lower people it is needleſs to ſpeak. Scotland, however, has produced (I will take the opportunity immediately to mention his name; he is now no more) the only conſtitutional Britiſh antiquary that has ever been in this iſland. The little attention our lawyers paid to theſe ſtudies of feudal antiquity, was remarked and bewailed by Spelman, in the caſe of the very firſt character of that profeſſion. "I do marvel many times" (he ſays) "that my Lord *Coke*, adorning our law with ſo "many flowers of antiquity and foreign learning,



"hath

" hath not turned aſide into this field, from " whence ſo many roots of our law have, of old, " been taken and tranſplanted. I wiſh ſome wor- " thy lawyer would read them diligently, and " ſhew the ſeveral heads from whence thoſe of ours " are taken. *They beyond the ſeas* are not only " diligent, but very curious in this kind, but we " are all *for profit* and *lucrando pani*, taking what " we find at market, without inquiring whence it " came." It is ſo with us ſtill. It was not ſo in France. Her legal antiquaries had collected a maſs of knowledge, and had arranged and digeſted it too, ſuch and ſo immenſe, as to fill the mind with wonder at the power of human induſtry and genius. It was upon this great collection of ſcience, that the inquirers into the Conſtitution and government of France, began early in this century thoſe uſeful labours of which I am now to ſpeak.

The chief of theſe inquirers (I mention them in the order of time) were the Count de Boulainvilliers, the Abbé Dubos, Monteſquieu, and the Abbé de Mably.

To theſe I muſt add an author of the times of Louis the XVI.---Pierre Chabrit. He died young. Had he lived he was to have been made the legiſlator of Ruſſia. The preſent Empreſs, the common patroneſs of all the Atheiſts and democratiſts of France, and who would have rewarded her and her fellow ſovereigns ſo well for their protection and kindneſs, had written to her friend and dependent

pendent Diderot, or had given him to know by ſome other means, that ſhe wiſhed for ſome young philoſophic blade of Paris to reſide at Peterſburgh, and meditate upon legiſlation. On the 25th of Auguſt 1781, Diderot wrote to the Empreſs. After having proſtrated himſelf at her feet, according to the cuſtoms of his tribe, he ventures with difficulty, his mind ſubdued, and his whole ſoul overawed, to open his lips in her ſacred preſence. They breathe forth for ſome time the accents of adoration. He tells this "woman of the north," that to conceive an idea worthy of being thought on by Catharine the Second, was what no man, unleſs Monteſquieu, was capable. He tells her that ſhe is a ſovereign who thinks night and day upon the happineſs of her ſubjects. I quote literally from this epiſtle which is before me. He then tells her that he ſends ſome ſheets of a work, and that, if ſhe pleaſes, he will ſend her the man himſelf who made the work. This man was Chabrit. The work was, *De la Monarchie Francoiſe, ou de ſes loix.* This work, moſt aſſuredly, and the author too himſelf, (ſo far as from a work of this kind, the character or diſpoſition of an author can be judged), are of a merit much higher than many might be led to think from the recommendation. It is a work of great ſtudy, comprehenſion, thinking, and much inquiry. The courſe of reading, and the ſize of judgment, neceſſary for this work, naturally led Chabrit to take other paths than thoſe in which

which both then and now, ſo many unthinking men purſue the metaphyſic bubbles, blown up into the air by the childiſh philoſophy of France. Only two volumes of this great undertaking (of which the deſign was to give a complete account of the French government and juriſprudence) were accompliſhed when Chabrit died. Being ſo ſmall a part of the intended whole, they can afford but very little inſtruction (and no ſort of amuſement) to thoſe who are not much converſant in this ſort of ſtudies. Beſides, that of which they treat, is now totally done away. Chabrit appears to have been a zealous reformer, yet he certainly little expected that the *monarchy* and the *laws*, about which he was writing, were ſo ſoon to be ſubverted from their foundation. Like the other reformers, he ſpeaks in terms of the higheſt reverence and affection of the king. But, unlike the other reformers, he ſpeaks, I believe, ſincerely. He concludes the introduction to his firſt volume, by exclaiming, " O ma patrie! le tems eſt venu de te " conſoler de tes maux, et de te livrer a tes eſpé- " rances: la juſtice, la paix et le bonheur ſont " dans le cœur de ton chef;

" *Hic vir, hic eſt, tibi quem promitti ſaepius audis,*
" *Auguſtus Caeſar divum genus; aurea condet*
" *Saecula qui rurſus Latio, regnata per arva*
" *Saturno quondam!*"

They

Gentlemen, I cannot refrain from telling you, that Hottoman in his days, more than two hundred years ago), thought as ill of the lawyers in France, that is, (not the men like himſelf, the *antiſtites et ſacerdotes juſtitiae ;* but) of the numerous ſwarms who there practiſed chicane, as Mr. Burke could poſſibly do of " the aſſembly of pettyfoggers run mad in Paris," who have deſtroyed the kingdom of France. Indeed, this of the practitioners of the law, ſeems to have been a peculiar plague at all times of this nation. Long ago Juvenal had ſaid, coupling France with a country which he calls the nurſe of low pleaders ;

*———————————accipiat te*
*Gallia, vel potius nutricula cauſidicorum*
*Africa, ſi placuit mercedem imponere linguae.*

And, in another place, mentioning a fact which ſhews how early we in Britain began to copy French manners, he ſays,

*Gallia* cauſidicos *docuit facunda Britannos.*

However, that faſhion has not (fortunately for us) thriven ſo much here as ſome other French faſhions. It ſeems never to have been in much better repute than their preſent faſhions are with us, and are likely to continue. In France theſe *cauſidici* appear to have been a race of immortals, a nuiſance altogether everlaſting. Hottoman, ſpeaking of them in one place, ſays, *quam veriſſi-*

*me*

*me* SCABIEM GALLICAM *appellare poſſumus.* He thinks there is no ſalvation for the country, unleſs they be rooted out. His general account of them anſwers word for word to the preſent times. *Exortum eſt* REGNUM RABULARIUM, *de quo nobis propter incredibilem artificum induſtriam, et inauditam ſeculis omnibus ſolertiam, dicendum videtur. Dominatur hoc tempore paſſim in Gallia genus hominum, qui* JURIDICI *a nonnullis,* PRAGMATICI *ab aliis, itemque* RABULAE *appellantur. Horum tanta trecentis fere abhinc annis fuit ſolertia ut non modo publici concilii auctoritatem prope jam oppreſſerint, verum etiam* omnes regni principes, *atque adeo* Majeſtatem regiam AMPLITUDINI SUÆ parere coegerint. *Itaque quibus in oppidis illius regni ſedes poſitae ſunt, in iis* tertia *fere civium et incolarum* pars *tantis excitata praemiis ad illius ſe* artis rabulariae *ſtudium ac diſciplinam applicavit; quod vel* LUTETIAE, *quae ceterarum civitatum omnium princeps numeratur, cuivis licet animadvertere. Quis enim vel triduum in illa urbe verſatus, non animadverterit, tertiam civium partem* artem iſtam rabulariam et litigatoriam *factitare*? And he mentions an Archbiſhop of Marſeilles, who, in the fifteenth chapter of a book, "De Monarchia Franciae," had ſaid, *Opinione mea plures ſunt in una Francia, ſcribae, procuratores, advocati, et ſimiles* CIRCUMFORANEI, QUAM IN UNIVERSO ORBE CHRISTIANO: SI ALII OMNES UNUM IN LOCUM CONFERANTUR. Mercy! ſtars! what prodigious ſwarms there muſt have been of them! In

 the

the ſpace between the days of Hottoman, and thoſe in which we live, theſe vermin may have at times leſs infeſted France. But I imagine (if they had at any time been diminiſhed) that they were become as numerous as ever of late years: at leaſt, if we are to make a calculation by the quantity of them found in the firſt (or, as it has been ſo fooliſhly called) Conſtituting Aſſembly. I cannot lay my hands juſt now upon a liſt I made out myſelf, of the meaner and very loweſt ſort of law practitioners in that Aſſembly, that is thoſe belonging to the Tiers Etat. I think they were upwards of two hundred. The law, in all its deſcriptions, I know, made a full half. That Aſſembly exerciſed the *litigating art* in perfection, and eſtabliſhed in perfection a *litigious Conſtitution*.

My friend has ſaid *no* to this; but by a very ſtrange miſreaſoning. He has ſaid, that ſo far from making a litigious Conſtitution, all their decrees tended to leſſen the importance of lawyers, and that their ſyſtem has been accuſed of a direct tendency to extinguiſh the profeſſion of the law. And this he ſays is a ſyſtem, "which may be condemned as leading to viſionary exceſs, but which cannot be pretended to bear very ſtrong marks of the ſuppoſed aſcendant of *chicane*."

I know not what this national convention, or the body next to ſucceed them under a *new* name, or the other bodies to follow, under *new* denominations alſo, for the amuſement of the Pariſian populace

populace, and of the federated banditti from the country towns, who come occaſionally to take their ſhare of the ſport in the capital; I know not what they have left, or are to leave ſtanding, even of the ſubordinate parts in that conſtitution which the firſt aſſembly made, to which the firſt aſſembly ſwore, and to which this populace and theſe wandering banditti, a hundred times over, amidſt hymns and curſes, and dancing and murdering, and laughter and groans, ſwore allegiance in the face of inſulted Heaven; I ſay I know not what parts of this *immortal conſtitution* ſtand now, or ſhall be allowed to ſtand. But moſt aſſuredly it was a litigious Conſtitution. It had that for one quality. My friend in his *denial* has given the very *definition* of a litigious Conſtitution. Such a Conſtitution is juſt that in which there is no regular eſtabliſhed profeſſion of the law. Such a Conſtitution is *in ipſis terminis* REGNUM RABULARIUM. To have any regular profeſſion of the law in France extinguiſhed, muſt have been at the very ſouls of theſe "fomentors and conductors of the "petty war of village vexation." Whether the *Thourets*, and *Chapeliers*, and *Targets*, and *Camuſes*, of whom my friend talks ſo highly, and of whom I think it time very much miſpent either to talk or to think at all, had the ſame wiſhes preciſely, is more than I can ſay, and I am ſure is what I do not at all care about. They all certainly expected, as to any profeſſional loſs, and ſome of them

obtained, ample remunerations. But at any rate they fabricated a litigious Conſtitution. Even with regard to an inſtitution about which they made a great noiſe, their *juges de paix*, (a ridiculous name borrowed from England, without any ſimilarity of function, at leaſt in any of the eſſential parts), it is impoſſible that any thing could be more aptly deviſed for generating oppreſſive litigation, without end and without remedy; for eſtabliſhing the dominion of CHICANE upon the ruins of LAW. The rabble in Scotland (I am told) have it as one of their grand objects to put down all the lawyers. They are ſtill too religious (and long I truſt they will ſo continue) to think of overthrowing their church eſtabliſhment. The race of Atheiſts is as yet confined to France. But as to the law, they (it ſeems) think, with my friend, that the abſence of lawyers is the abſence of chicane. But let me leave this ſubject, upon which I entered without thinking of it, and which has led me to talk of a man whom I love exceſſively, as if he were one of the ignorant vulgar. It is this curſed French Revolution which has overſet his underſtanding. There is not a man of more manly ſenſe or more honourable judgment.

The French antiquaries of the laſt age (as I have ſaid) had erected an immenſe fabric of feudal erudition. Standing upon the eminence theſe great men had raiſed, it was not difficult even for common eyes to diſcern plainly before them the antient

antient freedom of France. But this country was peculiarly fortunate in men of the firſt talents, (one of them beyond almoſt all human conception, wiſe and great) having turned their ſteps into this track, and given to their fellow citizens ample and accurate charts of their old eſtabliſhed Conſtitution. The felicity of France in this reſpect was ſingular.

There were antiquaries, it is true, of great name in other countries. But there were none of that deſcription in any country, except France, (till very lately among ourſelves), who had become the conſtitutional hiſtorians of the laws and government of the realm. There was, indeed, in England, early in this century Tyrrell. But the *Bibliotheca Politica*, much information as it certainly contains, and though its theory is perfectly right yet, beſides being diſguſtfully bulky, (that is bulky by repetition and often by nothingneſs), is as full of zeal as it is of knowledge. In the century before there had alſo been Bacon; with much and moſt important erudition. This excellent work, however, with all its learning, did not go deeply into the feudal law. Accordingly, there never was, perhaps, any people to whom the road of good government was laid ſo open as to the French in our days. Their conſtitutional antiquaries were the hiſtorical lights of Europe. But, inſtead of following them, they choſe rather to dance after the Jack-o'-lanthorn lights of glimmer-

ing metaphyſics, and to take up with the ſilly ſophiſms of a mean and meagre philoſophy. Had it even been neceſſary for them to look abroad, (in the abundance of true political ſcience with them at home), they might have found in Britain a conſtitutional guide, who, owing much to French ſtudies, would, by being ſtudied himſelf, have very amply repaid to that nation the benefits he had derived from their erudition. The very learned perſon I mean, is the late Dr. Gilbert Stuart.

It is very needleſs to mention that it was of him I ſpoke, when I ſaid that there had been only one conſtitutional Britiſh antiquary produced in this iſland; and by conſtitutional here, I do not mean any term of party, but a philoſophical antiquary applying his knowledge and his judgment to explain the hiſtory and nature of our government. Perhaps, ſome may place in the ſame claſs the author of the two admirable dialogues on the Engliſh Conſtitution; and moſt beautiful and moſt learned they certainly are. But the feudaliſt (with all the knowledge they contain) will probably require more accuracy and nicety, and more exactneſs of diſcuſſion, a knowledge, in ſhort, more particular and intimate, than is diſplayed by this excellent author, before allowing him in full form the name of antiquary. Beſides, he certainly falls here and there into ſome ſlips and miſtakes. The Biſhop of Worceſter (as his appropriated fame) muſt be contented with being, in all the force of that denomina-

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tion, a critic to whom Europe has produced few rivals ſince the day that Ariſtotle died.

I did not know (as indeed I ſcarcely could know) Dr. Gilbert Stuart. I never even ſaw him. I have heard, and from thoſe too who knew him intimately, (and the general voice has been ſufficiently ſevere in that reſpect), that he had conſiderable faults. Among theſe, not the leaſt, was a very undue portion of bitterneſs againſt an accompliſhed hiſtorian, the firſt, or among the very firſt, of modern times. All theſe faults, however, could (as I have always been led to think) be traced to a ſingle ſource. By the untoward events of his life, he was thrown upon that moſt unhappy of all employments, the being an author by profeſſion. He died too in early life (about ſix years ago, and not much above 40 years of age), before reaching that eminence in the eyes of men which his memory now holds in their eſtimation. It was not poſſible that a mind, ſuch as that of Gilbert Stuart, could be much debaſed, however ſorely it might be caſt down, by his degrading occupation. He could not be pert, flippant, diſplay ſervile inſolence or ignorant importance. This could not be. But he might be unjuſt, capricious, and all but ſpiteful. Due eſtimation might appear in his eyes undue preference. He might ſee in others only thoſe things in which they were inferior to him, and not thoſe in which they were his equals. Beſides, however pure he was within,

there muſt have been an incruſtation of vulgarity all around him. He muſt have been almoſt caſed in it. It was exceedingly difficult for him to be a gentleman. He had to aſſociate with the other mercenaries of the preſs. He muſt have been hurt by their company. He muſt have been hurt by their abſence. When with them he was conſtantly breathing foul vapour. When away from them, and when in the full expanſion of thought he roſe to a purer air, it was natural that he ſhould meaſure his flight leſs by its own elevation than by its diſtance from them. In both caſes he ſuffered injury; injury to his judgment, but ſtill more to what is better than either genius or judgment. But had he lived longer, and had he ſeen the flood-tide of his fame ſetting in, things would have then been quite otherwiſe. His native dignity of character would have been confirmed and ſtrengthened by merited ſucceſs. His paſſions would have been tempered by years. He would have had leſs bitterneſs with equal fire, and leſs contempt for others, with, perhaps, more conſciouſneſs of his own ſuperiority. It is thus (and there are inſtances of the ſame kind in circumſtances leſs favourable), that ſome rare men have eſcaped the evils of this perilous ſituation. With ſtrong original talents, and eſpecially with ſtrong original moral habits (habits begun ſo early as to be nature), the thing may be done, and, indeed, has actually been accompliſhed. It was thus that Samuel Johnſon lived unpolluted

polluted in this peſtilential atmoſphere. It was thus that Goldſmith (a man whom I think equal to Samuel Johnſon) eſcaped its contagion ſo much, and but for a peculiar temperament might have eſcaped it wholly. Gilbert Stuart had ſome of its taint. Unfortunately for himſelf, and for the world, he was an author by profeſſion. It was his fault, and it is his apology.

I have ſpoken of his failings; let me now ſpeak of his merits and talents. This would be a great field. I ſhall ſpeak of them only as they concern my ſubject.

He was a very deep antiquary, and a very ſagacious philoſopher. He ſaw the neceſſity of uniting theſe two things; which were in him completely united. This neceſſity he has expreſſed in his own language; and when I can uſe his words I ſhall never uſe mine. "It is uſual (he "has ſaid) to treat law, manners, and govern-"ment, as if they had no connection with hiſ-"tory, or with each other. Law and manners "are commonly underſtood to be nothing more "than collections of ordinances and matters of "fact; and government is too often a foundation "for mere ſpeculation and metaphyſical refine-"ments. Yet law is only a ſcience, when ob-"ſerved in its ſpirit and hiſtory; government can-"not be comprehended but by attending to the "minute ſteps of its riſe and progreſſion; and "the ſyſtems of manners, which characteriſe man

"in

" in all the periods of ſociety which paſs from
" rudeneſs to civility, cannot be diſplayed with-
" out the diſcrimination of theſe different ſitua-
" tions. It is in the records of hiſtory, in the
" ſcene of real life, not in the conceits and the
" abſtractions of fancy and philoſophy, that hu-
" man nature is to be ſtudied." He practiſed his own leſſons; or rather theſe precepts were the reſult of his practice. His induſtry purveyed for his ſagacity; and his ſcience enlightened his reſearches. He was not diſcouraged by labour; nor elated with invention. His ſtep was ſteady; while his eye was penetrating. His mind was powerful to diſcover; but equally patient to inveſtigate. He thought that ſyſtem to be frivolous which was not founded upon facts; and thoſe facts to be uſeleſs which were not formed into a ſyſtem. On theſe principles, and in this manner, thus qualified, and thus inclined, he explained to his countrymen the beginnings and progreſſion of the governments of modern Europe, and of their own peculiar conſtitution. Rich in feudal learning, with a powerful and diſcriminating intellect, with a vigorous imagination, and far from untaught in antient erudition, or unadorned with antient elegance and taſte, he has accompliſhed a work which, before his time, never had been performed, and ſcarcely ever attempted, in Britain. It is full of information. There is not an idle paſſage in it. I do not ſay that, of itſelf alone, it

is ſufficient to give a complete ſyſtem of the feudal inſtitutions. There may be men (nay there certainly are) who may find nothing in it at all. It requires either previous ſtudy (to a certain extent), or ſtrong intellection. Concomitant ſtudy is neceſſary with even the very ſtrongeſt; that is, if great learning in theſe ſtudies is ſought for. He who is in theſe circumſtances, will find it a key to unlock the moſt hidden receſſes of the old law of Europe. It will be to ſuch a man, what the word *Power* is to the hero in the beautiful Arabian tale; and the treaſures of feudality will lie open before him.

Yet, after all, I aſſuredly do not mean to ſay that, ſo far as regards the conſtitution of England, there was no vindication or explanation of its principles, in the way of hiſtorical erudition and philoſophical ſagacity, before the publication of the "View of Society in Europe." The freedom of our conſtitution had been maintained by our oldeſt lawyers, time out of mind. In later times (antient as they are to us), Forteſcue had recorded our freedom in his admirable work, *De laudibus legum Angliæ*. And, as a work of peculiar erudition on our conſtitution and form of government, the famous diſcourſe of Nathaniel Bacon holds a rank beyond all others. The praiſe, and the appropriated praiſe, of Dr. Stuart, is, that he is the firſt in Britain (and he will remain for ever the firſt in all ſenſes) who has united philoſophy

ſophy with antiquarian reſearch, has added to the knowledge, and improved the theories of the great philoſophical feudaliſts on the continent; has connected our antient freedom with the liberty of the other European nations; and has proved, not merely that we were (as the learning and abilities of others had proved before), but that we muſt, in common with all the other European kingdoms, have been originally and conſtitutionally free. The cauſes of our preſerving that freedom, which, with all the other nations, has been more or leſs impaired, have been conſidered by ſome wiſe, and by more fooliſh writers. Dr. Stuart thought it none of his buſineſs; and it is certainly ſtill leſs mine,

The people of France, in theſe days, had thus every ſort of aſſiſtance, foreign and domeſtic, to learn their old, and to reform their preſent conſtitution. The ſun of hiſtorical knowledge was at its height. It ſhone upon them directly and ſtrongly. Perhaps it ſmote them too ſore; and, to avoid its rays, they buried themſelves like bats, in the dark and unwholeſome vaults of ignorant metaphyſics.

The ſyſtems of their ſeveral conſtitutional antiquaries were ſhortly as I ſhall now mention them.

The Count de Boulainvilliers was the firſt who entered upon this career, in the *Hiſtoire de l'Ancien Gouvernement de la France*, and the *Lettres Hiſtoriques*

*ques ſur les Parlement ou Etats-generaux.* Monteſquieu has allowed him to be poſſeſſed of no inconſiderable learning in the laws and antiquities of his country. His ſyſtem was, that the conquering Franks became the nobility and gentry of the country, of which the commonalty conſiſted in the conquered Gauls. This is the clew which leads him through all his reſearches. The object of them all is the freedom of his nation. He abhors deſpotic ſway. Yet he inclines too much to ariſtocracy. This is the great fault of his book, and the great ſource of his errors. Had it not been for this, it would have been unneceſſary for Monteſquieu to have written on the feudal law of France.

The Abbé Dubos, in the "Hiſtoire critique de "l'etabliſſement de la Monarchie Françoiſe dans "les Gaules," has a ſyſtem completely the reverſe. With him, the conquered people gave the law to their conquerors. Every thing in his ſyſtem is Roman or Gauliſh; there is nothing Gothic at all. The very meaneſt of the people are, in his eſtimation, upon a footing with the haughtieſt and moſt powerful of their conquerors. He diſcovers the liberties and the privileges of the burgeſſes in the times and in the laws of the Romans. The kings of the Franks, however, he finds to have poſſeſſed more power than was allowed to them by the Count de Boulainvilliers. They had all their own power joined to that of the imperial Roman magiſtrates.

magiſtrates. Nay, according to him, they ſucceeded to all the powers of the Roman emperors themſelves. The book publiſhed by the Count was judicially condemned. The work of the Abbé Dubos received no other condemnation than what it ſuffered from the pen of Monteſquieu.

Perhaps I ought not to claſs the Abbé Dubos among antiquaries, notwithſtanding his ſubject. His learning was of another ſort. *Mr. l'Abbé Dubos a puiſé dans des mauvaiſes ſources* (ſays Monteſquieu) *pour l'hiſtoire, dans les poetes et les orateurs; ce n'eſt point ſur des ouvrages d'oſtentation qu'il faut fonder des ſyſtemes.*

Yet his reading in the laws of the barbarians was far from contemptible. Only Monteſquieu has ſaid that he abuſed this reading.

Speaking of theſe two ſyſtems, ſo oppoſite to each other, Monteſquieu has alſo ſaid :---*Mr. le Comte de Boulainvilliers et Mr. l'Abbé Dubos ont fait chacun un ſyſteme, dont l'un ſemble être une conjuration contre le Tier-Etat, et l'autre une conjuration contre la nobleſſe.* This language was very correct and preciſe in the times of Monteſquieu. It would not do in our days. Tranſlated into the more modern tongue, theſe expreſſions mean no more, than that in the one ſyſtem the diſtinction between *noble* and *roturier* is made more antient and marked than it really was, and that in the other the equality of every thing beneath the ſovereign

ſovereign authority was again made of ſuch antiquity, and ſo complete, as to derogate from the honour and the power of all the nobility and gentry of the kingdom. This laſt, at the ſame time, was evidently the error which an abſolute king would leaſt be diſpoſed to contradict.

The cauſe of the errors into which the Abbé Dubos has fallen, is very truly, in the "Spirit of Laws," ſaid to be, that he had more before his eyes the Count de Boulainvilliers than his ſubject.

The work of the Abbé Dubos is in the ſame book characteriſed in a manner the moſt maſterly. The ſhort paſſage I am to quote, furniſhes inſtruction much beyond its ſubject. It is a general and profound leſſon of critical belief and accurate judgment.

" Cet ouvrage a ſéduit beaucoup de gens, parce " qu'il eſt écrit avec beaucoup d'art; parce qu'on " y ſuppoſe éternellement ce qui eſt en queſtion; " parce que plus on y manque de PREUVES, plus " on y multiplie les PROBABILITES; *parce qu'une* " *infinité de conjectures ſont miſes en principes, et* " *qu'on en tire comme conſéquences d'autres conjec-* " *tures.* Le lecteur oublie qu'il a douté pour com- " mencer à croire. Et comme une érudition ſans " fin eſt placée, non pas dans le ſyſteme, mais a " côté du ſyſteme; l'eſprit eſt diſtrait par des ac- " ceſſoires, et ne s'occupe plus du principal. D'ail- " leurs tant de recherches ne permettent pas d'

" imaginer

" imaginer qu'on n'ait rien trouvé; la longueur " du voyage fait croire qu'on eſt enfin arrivé."

In this paſſage of admirable wiſdom, nothing is of more importance to us in theſe days, than the warning not to take probabilities for proofs, conjectures for principles, and from the firſt conjectures to deduce as ſtrict logical truths other conjectures. This is juſt the very eſſence of the fanatical philoſophy of the times. It is the very thing which juſtifies all that has been done, all that ſhall be done, and all that can be done in France.

Monteſquieu has likewiſe pronounced judgment on the work of the Count de Boulainvilliers. His ſentiments there regard only that matter itſelf. My opinion of this work is the ſame with what is given in the Spirit of Laws; and it would not become me to expreſs it in any other manner.

" Comme ſon ouvrage eſt écrit ſans aucun art, " et qu'il y parle avec cette ſimplicité, cette fran- " chiſe, et cette ingénuité de l'ancienne nobleſſe " dont il etoit ſorti, tout le monde eſt capable de " juger et des belles choſes qu'il dit, et des erreurs " dans leſquelles il tombe. Ainſi je ne l'exami- " nerai point; je dirai ſeulement qu'il avoit plus " d'eſprit que de lumieres, plus de lumieres que de " ſçavoir; mais ce, ſçavoir n'etoit point mepriſable, " parce que de notre hiſtoire et de nos loix il ſça- " voi trés-bien les grandes choſes."

The juſtneſs of this character will be called in queſtion by no perſon who reads with attention

what the Count de Boulainvillies has written. As an author he poſſeſſes, unqueſtionably, very great merit. The noble independence of his mind is, beſides, conſpicuous in every page of his book. He was a nobleman who would have pleaſed Henry IV. to his very ſoul.

With all the defects of theſe two inquirers, their publications were, notwithſtanding, of the utmoſt value. It was a great deal, beſides, to have made this diſcuſſion a matter of common right, and to have ſet the example of it. It ſoon paſſed into other hands.

Perhaps, a conſiderable portion of a book that is in the hands of every body, and of which every body ſpeaks, from the boy to the greybeard, has been yet leſs read by any body, than the moſt muſty and ſtupid annotator on the civil or canon law. At leaſt, I can anſwer for my own perſonal knowledge, that I have ſeldom heard any perſon even *talk* (and in this age there is nothing that is not talked about) of that very conſiderable portion of the *Spirit of Laws*, which is taken up in the inveſtigation of the original government and the feudal law of France. It is yet the part of that book, which of all others diſplays the greateſt genius. It is full of the fineſt writing. And its erudition is immenſe.

It has been made a matter of wonder by ſome people, how Monteſquieu could bring himſelf to ſubmit to a ſtudy ſo diſguſting and full of toil, as

 that

that of the old monuments of the barbarians, of the capitularies and conſtitutions of the firſt ages of the French Monarchy, and of the juriſts and formaliſts who wrote then, and for many hundred years afterwards. They ſay it was a thing the leaſt to be expected from a genius ſo ſublime as that which he poſſeſſed, from a man whoſe taſte was ſo refined, and whoſe imagination was ſo lofty, from a mind fitted to graſp ſuch mighty objects, with a reach of intellect ſo powerful and ſagacious. In ſaying this, they have only ſaid that they do not know what genius is.

As this is a matter of great importance in itſelf, and of greater importance ſtill to the preſent times and the preſent circumſtances, I ſhall ſay ſomething upon it.

We are told by Mr. Addiſon in the Spectator, that a perſon whom he calls "one of the greateſt "geniuſes this age has produced, and who had been "trained up in all the polite ſtudies of antiquity," had aſſured him, that being obliged to ſearch into ſeveral rolls and records, he came at laſt to take "an incredible pleaſure" in the employment, and "preferred it even to the reading of Virgil or Ci-"cero."

The perſon of whom Addiſon ſpoke, was Atterbury. The rolls and records were the books of the church of Weſtminſter; which, as the Biſhop mentions in his ſpeech, in the Houſe of Lords, he conſulted from the foundation. I ſhould not wonder

der though Atterbury had not taken ſo much pleaſure in this employment, as his admirer Addiſon ſays he did. But it is a very ſtriking example, that taſte, and politeneſs, and elegance, and refinement, when poſſeſſed in thoſe degrees that approach to genius, partake *themſelves* in the love of learned labour.

As to high genius, it loves labour to exceſs. It loves, no doubt, alſo its times and its ſeaſons. The bolder the imagination, the more luxuriant and boundleſs the fancy has been, the more has the memory been alſo a ſtorehouſe of facts, and the range of the underſtanding wider in inveſtigation. It is a general rule, ſubject to as few exceptions as any general rule (perhaps to none), that there never has been a man of great erudition and judgment, and the *converſe* is equally true, who was not a man of ſtrong imagination and ſplendid fancy.

Genius in its higheſt caſts poſſeſſes all the qualities of mind, in their greateſt poſſible perfection. This is its definition. Yet every day we hear fooliſh men ſaying, that ſuch and ſuch perſons have too much imagination, and that it is impoſſible in this way that they can poſſeſs the judgment neceſſary for conducting buſineſs or managing affairs.

What theſe men ſay, may, indeed, be very true; but then not in the ſenſe that they mean it.

It is very eaſy to attain the praiſe of any thing in this age; perhaps, it is not quite ſo eaſy to keep it. Thus in what in our days we ſtyle poetry, the

trade of making verſes is juſt as eaſy, as the other modern trade of making Conſtitutions. Yet we ſee people acquiring fame by this practice daily, and almoſt hourly. What praiſes are not heaped upon women who throw aſide the delicacy of their ſex, and men who renounce all manly honour, to write odes and hymns, and all ſorts of that kind of thing, upon the barbarities and impurities of the French Revolution! They now publiſh poems (as they are called) to celebrate a whores' hop on the ruins of the Baſtile; where, in the intervals of lewdneſs, theſe low creatures dance to the tune of ſome ſong of blood and murder! Yet the women and men who write theſe poems are ſaid, by the wits of the times, to poſſeſs imagination. It may be ſo. But if it be ſo, they certainly are "imagitions as foul as Vulcan's ſtithy." It is ſtrange they ſhould inhabit female boſoms; and yet almoſt all the writing women are poſſeſſed by theſe ſpirits ſo ſtrongly, that no poſſible exorciſm can (I fear) caſt them out. I readily grant that this ſort of imagination (even were it employed on innocent and pure ſubjects, inſtead of matters unclean and wicked) is wholly incompatible with buſineſs and affairs. It is ſillineſs, at the beſt, and folly.

Thus, in one ſenſe, the maxim that I controvert is moſt indubitably true. A weak and frivolous imagination is the ſureſt ſign of incapacity of judgment. But its being true in this way is the very reaſon that it is not true in the other.

The

The maxim which I controvert is alſo true in other reſpects.

It is true with regard to all thoſe Stateſmen, who, " by the mere force of civil diſcretion have " conducted the affairs of great nations with di- " ſtinguiſhed felicity and glory." When the veſſel is not to be navigated in a tempeſt, or when a bolder ſtretch is not made than the common run, men of common abilities (with honeſt minds) are, perhaps, the men of beſt abilities to govern an empire. Men of common abilities either have common imaginations (that is none), or they muſt have fancies deranged and fantaſtic and abſurd, if their imaginations be uncommon. This laſt caſe ſettles itſelf. In the other, the abſence of imagination is no proof of want of judgment.

The ſame thing holds in the profeſſion of the law; and, perhaps, more particularly ſtill. In it, very frequently, there have been ſeen men, who, with the ordinary natural parts, and the exerciſe and training of their judgment in judicial queſtions, have diſplayed an energy and ſubtlety of reaſoning, which left far behind them the acuteſt logician of the ſchools. Indeed, with parts any way ſuited to the taſk, there is no ſuch mental training to be any where found, as in the courts of law. In leſs happy diſpoſitions, theſe habits may degenerate into narrowneſs and cunning; and even where diſpoſitions were the beſt, I ſhould always dread profeſſional combinations. This, however,

is another queſtion. As to the matter of which I am ſpeaking here, it is certain that lawyers of this deſcription are men of very high eſtimation. I ſhould never think any cauſe poſſeſſed of its full ſtrength in which ſome of them did not make a part. There are caſes in which I would give them the preference; perhaps, even excluſively. I do not mean to ſay that my Lord Coke was not a man of learning and genius. However, he can bear no compariſon in theſe reſpects with his contemporary Bacon. He was greatly beneath him in all the qualities of the mind, except firmneſs and courage and honour; of which Lord Bacon had none, or very little. Yet I do not know but in matters of law (and conſidering their ſcience merely) I ſhould have preferred the opinion of the Chief Juſtice to that of the Chancellor. He might not be able to cope with his adverſary when he bore down with his whole weight; but in common ſubjects commonly conſidered, the opinion of ſuch a man would be in more readineſs and with more accuracy. I need not repeat that I ſpeak thus of Coke only as compared with Bacon. To return to the lawyers; here alſo the abſence of imagination is not the abſence of judgment; but both united are the perfection of this character. It is not, as many think, an argument againſt a lawyer that he is otherwiſe learned. But as little ought we to be guilty of that other injuſtice which refuſes the praiſe of talents to ſimple profeſſional ſkill.

Of

Of theſe wrongs, however, the firſt is by far the greateſt and moſt miſchievous. Indeed, to hold that any perſon belonging to a liberal profeſſion, ſteps beyond it, or aſide from it, in treating upon any ſubject of general learning or public importance, is to deſtroy the national learning from the root. Authors by profeſſion would then reign alone, in the literary (if it deſerved the name of literary) commonwealth.

I moſt ſincerely wiſh to God the race of authors by profeſſion (of thoſe I mean who make it their trade, and their only trade) were utterly extinct! I think the multiplication of theſe men has been and will be of the greateſt detriment, perhaps of final ruin, to Europe. They have gone far to deſtroy our learning, our government, and our religion. I talk not of individuals. Men may be thrown upon a courſe of life by various accidents, which it is not in their power to command or reſiſt; and it is neceſſary (as I dare ſay ſomebody has obſerved before me) that he ſhould live upon his wits who has nothing elſe to live by. This too may be the caſe (as in ſome inſtances it has been) of minds of the firſt order. The evil conſiſts in the actual exiſtence of ſuch a *profeſſion*; and it is, perhaps, the worſe for the ſplendour of thoſe few great names who have procured their livelihood by their writings. Such a *profeſſion* is eagerly ſought after by preſumptous yonng men, who flock in crowds to great cities, to diſplay their abilities, and to fill as

they beſt can their purſes. The apprenticeſhip to the trade is ſhort and cheap, and they can ſet up on a very ſmall capital. Here alſo, as in every other trade, the ſubdiviſion of labour increaſes the numbers employed, and the numbers employed increaſe at the ſame time the ſubdiviſion of labour; till at laſt the portion of knowledge requiſite for any given branch is reduced by degrees almoſt to nothing. Even, without this, if it be conſidered that a perſon muſt chooſe his trade early in life, we may judge what proficiency the young literary artiſans are likely to make; eſpecially as they come ſo quickly to do buſineſs for themſelves. They are ſoon too much engaged in the occupations of the day to have leiſure for any ſolid future improvement; and grow older without growing wiſer. Criticiſm (an antient author has told us) is the laſt fruit of much ſtudy. With us matters are reverſed. The firſt thing upon which a youngling's hand is tried, is the judgment of books. You may be a critic long before, and though you never are, an author. Thoſe again who are authors (and their numbers are like the ſand), bring to market what is moſt eaſily purchaſed, and can be ſold moſt readily. Numerous retailers vend in ſmall quantities what has been procured from the wholeſale dealer; and there are hawkers likewiſe furniſhed from theſe retail ſhops! What learning can be found among all this! Books are multiplied, and ignorance along with them. Of old it was ſaid,

that

that a great book was a great evil. We have a greater evil in our days; the evil of many books; and theſe books too (which is no diminution of the evil) the meagre copies of each other. They all treat of the ſame ſort of thing, and ſometimes without any variation of the cookery.

While ſuch proceedings lead to the deſtruction of learning, government goes in its train. Nothing is eaſier than to talk in general of government. To ſay that all men ſhould be free, and that all men are equal, requires no information, nor powers of mind at all. A boy, juſt from the grammar-ſchool, at his little club, will make you a very nice oration upon the duties of ſovereigns, and the rights of the people;---full as ſenſible (and probably much better written) as any thing publiſhed by Thomas Paine. He will alſo underſtand that perſon completely; who, if he prides himſelf in being level to the meaneſt capacity, is certainly entitled to boaſt much. At the ſame time, to comprehend the various and mutual duties and rights of the ſovereign, and of the ſubject, requires much learning and deep ſtudy. The ſilly prattling of the day may be taught and learned in half an hour. As eaſy as upon politics, they can talk of religion; and when you talk upon both, you are then a philoſopher. Tyranny and prieſtcraft---theſe magic words, well pronounced and well applied, form the firſt philoſophy. You have only to decline them through their caſes, till

you

you come to the ablative. Diogenes went about the ſtreets of Athens, (or of Corinth was it?) ſeeking for a wiſe man, with a candle in noon-day. It is ſaid he could find none. Alas! that he were not now ſent to the ſtreets of London, or eſpecially Paris *.

I do honeſtly believe, that if the race of authors by profeſſion goes on increaſing as it has done, and that a particular care of the learning of the country be not diſplayed in the profeſſions commonly called learned, by public men, and by men of eaſy literary leiſure, we are on the high road (and at a great rate), to regions of ignorance of a thicker gloom by far than what has, at any time ſince we came from the woods, overſpread the face of Europe. Science had won to herſelf a fair dominion in this portion of the globe. It will fall with other principalities and powers. It was ſupported by great learning and noble talents. Theſe talents, and this learning, were not then (more than they are now), the property of the many. The vigour of the literary commonwealth ran in the blood of its *optimates*. That vigour is only there ſtill; only among the better born:

*——Queis arte benigna*
*Et meliore luto finxit præcordia Titan.*

But

* It was an *honeſt* man, I believe, that Diogenes ſought. But it is all one this! All the wiſe men of this age are honeſt men. Indeed, they tell us themſelves, that all others are knaves.

But theſe are not the perſons now elected into the chairs of the modern ſchool. The lower pedagogues of philoſophy are miſerably ignorant indeed, and miſerably ſtupid. The higher maſters are ſomewhat better. I do not deny them ſome talents; of the caſt that their talents are. Yet even thoſe among them, who riſe the higheſt, who, "in the ſurging ſmoke uplifted, ſpurn the "ground," mount only to ſink in a "vaſt vacu-"ity," loſt in the elemental principles of things, where all is dreary darkneſs. It had been the labour of ſcience, to eſtabliſh morals and government upon foundations adapted to the circumſtances of man, upon the relations of his nature; to ſhape the crude conſiſtence of theſe original principles into a ſalutary and ſeemly order; to ſettle and regulate his rights and duties; to bound and wall them in againſt the war of "embryon-"atoms," and the hoſtilities of wild abſtraction; to throw, in one word, upon the natural rights of mankind, obſcure in themſelves, and undefined, that real illumination which ſhould diſtinguiſh their proportions, and mark out their extent. The literary race of our days know nothing of all this. They are now travelling the *profound* to deſtroy all this order of things, to expel uſurping ſcience, to reſtore original darkneſs, and "erect the ſtandard "of antient night." But theſe dark materials are not in creative hands. Our philoſophers have en-

tered again into the womb of nature, and, I doubt not, they will there find their grave.

It is a matter, notwithſtanding, of the very higheſt importance to ſet the learning and the ſenſe of the country, in oppoſition to this multiplication of ignorance by the preſs. It is, accordingly, of great importance likewiſe, and particularly in this view, that a profeſſional man, who is, or ought to be, learned to a certain degree, and who may be ſo in a meaſure very eminent, ſhould not be thought to go beyond his duty, or tranſgreſs his proper ſphere, when he purſues (without abandoning other matters) objects of political ſcience, or ſcience of any kind, in which he is able to inſtruct the public, and it is fitting that the public ſhould be inſtructed. Otherwiſe, by the double operation of active ignorance and inert knowledge, ſcience and learning, and taſte may be driven from thoſe regions where they had ſeemed to fix their laſting reſidence, and their moſt favourite abodes.

This would be a fatal error. It is an error equally pernicious, that maxim which I have undertaken to overthrow, which ſuppoſes that high genius and imagination are incompatible with ſober thinking and prudent judgment, with the knowledge of facts, and with the talents to apply them.

I have enumerated the falſe meanings of this maxim, in which, by miſinterpretation, it is true. I am now to conſider its real meaning, in which, by being rightly underſtood, it is wholly falſe.

It might eaſily be ſhewn by reaſoning *a priori* that it muſt be falſe. I ſhall content myſelf with ſhewing, by an appeal to facts, that it is falſe.

Homer is my firſt example. It is needleſs to tell any body who knows any thing of the father of poetry at all, that his minute knowledge of facts is as aſtoniſhing as the ſublimity of his imagination. Indeed, his knowledge of facts is ſo wonderfully accurate, and ſo exceedingly extenſive, as to appear at firſt ſight ſupernatural. Certainly his knowledge never was accounted for completely, (and, perhaps, not completely even there), till the publication of the admirable "Inquiry into the "life and writings of Homer." The patience of inveſtigation, which was neceſſary for the poet to acquire this hiſtorical knowledge, and the love of labour which his wonderful acquiſitions in this way ſo ſtrongly manifeſt, muſt have qualified him (had ſuch been his fortune) when joined with the other energetic talents he poſſeſſed, (even had theſe been leſs eminent), to *wield at will the fierce democracy*, or *bear the weight of mightieſt monarchies*, to have commanded nations and counſelled kings. His charming morality, and the knowledge which he poſſeſſed of the human heart, might have made him in an age leſs fitted for poetry, the chief ornament of the Porch or the Lycæum. Or, if theſe qualities and ſituations (by the aſſociation of ideas which we have been accuſtomed to make) ſhould appear incongruous to the character of Homer, at

leaſt

leaſt none will diſpute that his accuracy of inveſtigation was neither loſt nor obſcured in the ſplendour of his fancy.

Milton, holding nearly the ſame rank in other reſpects, is upon a footing with Homer alſo here. His acquired knowledge was boundleſs. To give all the neceſſary examples would be to write a volume. I ſhall content myſelf with his geographical knowledge; a knowledge which I cannot even conjecture, in the degree that he poſſeſſed it, how he could poſſibly acquire. Among many others I ſhall mention one aſtoniſhing proof of his minute information in this way. Major Rennell in his "Memoir," mentions that though the *Decan*, in its moſt extenſive ſignification, includes the whole region ſouth of Hindoſtan proper, or ſouth of the Nerbuddah, yet, in its real acceptation, it comprehends only the countries ſituated between Hindoſtan proper, the Carnatic, and Oriſſa; that is, the provinces of Candeiſh, Amednagur, Viſiapour, Golconda, and the weſtern part of the territories of the Berar Mahratta. Milton, in the middle of the ſeventeenth century (the moſt aſtoniſhing thing in the world; for even to France and England very little was known in the middle, and long after the middle of this century; Milton) knew at this time, when India itſelf was ſcarcely known to any man, and much leſs its geographical diviſions, that the Decan did not properly comprehend all the peninſula ſouth of the Nerbuddah. In

ſpeaking

ſpeaking of the fig-tree, whoſe leaves were beſtowed upon our firſt parents, he ſays, (and at the ſame time giving a moſt accurate deſcription of the Banian tree, at that time almoſt as much unknown as the *Deçan*):

" The fig-tree, not that kind for fruit renown'd,
" But, ſuch as at this day to Indians known,
" In MALABAR or DECAN, ſpreads her arms
" Branching, ſo broad and long, that in the ground
" The bended twigs take root, and daughters grow
" About the mother tree; a pillar'd ſhade,
" High over-arch'd, and echoing walks between."

Nor is this (wonderful as it is) the moſt conſpicuous part of Milton's geographical knowledge. Both Major Rennell, and Sir William Jones have taken the lines reſpecting Eaſtern geography in the "Paradiſe Regained," as the motto, the one of his "Memoir," and the other of the Diſſertations on Aſiatic geography, prefixed to the Life of Nadir Shah. As to Milton's other knowledge of facts, and his aſtoniſhing reading, it is obvious even to common obſervers; to men of learning and knowledge it appears altogether miraculous.

Some perſons may be ſurpriſed at my placing Shakeſpeare in this liſt. But it is, notwithſtanding, true that he deſerves to be placed there. His information was great and extenſive; and his reading as great, as his knowledge of languages could reach

reach. Conſidering the bar which his education and circumſtances placed in his way, he had done as much to acquire knowledge as even Milton. A thouſand inſtances might be given of the intimate knowledge that Shakeſpeare had of facts. I ſhall mention only one. I do not ſay he gives a good account of the Salic law, though a much worſe has been given by many antiquaries. But he who reads the Archbiſhop of Canterbury's ſpeech in *Henry the Fifth*, and who ſhall afterwards ſay, that Shakeſpeare was not a man of great reading and information, and who loved the thing itſelf, is a perſon whoſe opinion no man would truſt or aſk upon any matter of inveſtigation.

Many other men of the moſt ſublime imaginations might be enumerated, who, if not poſſeſſing equally, yet poſſeſſed in a great degree, this extent of information, and ſolidity of judgment. But this would lead me too far. I muſt confine myſelf to the line in which I ſet out. I ſhall mention only two other men, one living, and one dead, and who are of the ſame rank with thoſe that have been mentioned already. The living character I think the greateſt of the two, and, though he is living, I venture to ſay, that his knowledge and genius are fully equal to any thing that has gone before him.

Mr. Burke, a man of the higheſt imagination, has united with it, in the ſame manner, the cleareſt and moſt penetrating judgment, and the moſt unbounded and moſt intimate knowledge of facts.

This

This knowledge of facts is in him indeed ſo aſtoniſhingly accurrate, as well as boundleſs, that the moſt pathetic or ſublime of thoſe repreſentations, which have commanded the paſſions of terror and pity, and have reigned ſupreme, clothed in awful magnificence, or arrayed in the deepeſt colours of woe, over the ſubdued ſouls of his readers and hearers, might, for the obſervation of minute accuracy, and the undeviating tenor of real fact, be placed in the moſt unqueſtioned regiſter of cold, dry, detailed narrative, obtained and authenticated by the law. I ſpeak without any exception; and no man can produce me one in the whole compaſs of his works. He gives great latitude to others in this reſpect; but he takes none to himſelf. Speaking of the opinion delivered by Mr. Fox on the French Revolution, he has ſaid, for example.---" The gentleman, however, has ex-" plained himſelf, and it would be too like that " captious and cavilling ſpirit, which I ſo perfect-" ly deteſt, if I were to pin down the language of " an eloquent and ardent mind, to the punctilious " exactneſs of a pleader." Certainly to do ſo would be exceedingly wrong; and it is impoſſible that Mr. Burke ſhould not deteſt ſo baſe and ſuch an unworthy proceeding. It is not poſſible he could do it to any man. Yet, as to himſelf, he can ſecurely ſtand even this teſt. With an imagination ſplendid, various, playful, and bold, beyond any thing which this age has produced, (or,

perhaps, any former age), whoſe excurſions are rapid beyond conception, and unlimited almoſt as the nature of things, which ranges in all directions through univerſal exiſtence, he has, with all this, in all matters of fact, " the punctilious exactneſs " of a pleader." His memory retains, and his judgment ſelects them, with accuracy and with faithfulneſs, while his imagination gives them their boldeſt ſhapes, and their moſt commanding aſpects.

Mr. Burke, and the few men like him, (if any man has ever exiſted wholly like him), I have frequently thought might be compared to the celeſtial guide, who illumined the dungeon, and revived the courage of the laſt Roman. *Statura diſcretionis ambiguae; nam nunc quidem ad communem ſeſe hominum menſuram cohibebat; nunc vero pulſare cælum ſummi verticis cacumine videbatur; quae cum caput altius extuliſſet, ipſum etiam cœlum penetrabat, reſpicientiumque hominum fruſtrabatur intuitum.* It is by this management, and by ſuch powers, that theſe choſen deliverers are prepared, by the beneficent predeſtination of the Father of men, to ſpread and ſecure his bleſſings among his offspring.

After this I might ſay no more. The examples I have given are more than ſufficient for overthrowing the fooliſh maxim which has gained (by what means it is not eaſy to ſay) ſo much ground in the world. I ſhall mention only one example more

more; after firſt having anſwered a queſtion which ſome perſons may have been wiſhing to aſk, perhaps, now for ſome time.

It may be aſked why I ſhould take any ſort of pains to conſider or confute this maxim at all. I have ſaid, indeed, that it is exceedingly pernicious, but they may ſtill aſk where its great evil lies. I ſhall inform them of this.

It has been a great evil at all times, but it is the peculiar evil of our days. One of the chief arts employed by the wicked men who defend, or who endeavour to propagate, the principles of the rebellion in France, has been to deny, (while the thing could be denied), and ſtill to extenuate thoſe atrocious crimes, which produced, or were produced by this great calamity. In order to effect this, and when theſe crimes, brought forward in their natural and odious ſhapes, cauſed a ſort of loathing and deteſtation in the minds of all men, mingled with the neceſſary indignation at ſuch enormities, and when even the ſhameleſs boldneſs of theſe apoſtles of ſin, was compelled into a half confeſſion of the horrors committed by thoſe who ſent them; the cue then was to have recourſe to reaſoning and argument, to preach up the capability of perfection in man, the improvements which his nature was to receive, and the ſort of godſhip in the world below, (indeed they ſpeak of no other world) he was now ſhortly to obtain. And what was it to climb to this exaltation upon the

carcaſes of a few miſerable men, eſpecially of men, who having enjoyed (moſt of them) the good things of this life already, might now be contented to be deprived of them, and even to ſuffer beſides, (by way of equality and compenſation with thoſe who had not hitherto been ſo fortunate), the deprivation of life itſelf! What was it even to wade through blood up to the eyes, when, on the oppoſite ſhore, the feet of the new devotees were to preſs the holy ground of the philoſophic land of promiſe! The perfection of man! Can it be placed at an eſtimation too high! What price is equal to its purchaſe! The perfection of man! His perfection as an individual! His perfection in ſociety! Blood! In ſuch extatic viſions who cares for blood! Shed of it enough! It is the cement of the new city, the habitation of equality. It is the moiſture of the new ſoil, prepared and manured for the new rights of men. Let not the "compunctious viſitings of nature," draw off the mind from the future proſpects to the preſent ſcene. In the acquirement of univerſal good, who would be ſo criminally weak as to lament the partial evil! Such was the reaſoning ſet up in oppoſition to the native feelings of the human heart; and it ſeduced and ſeduces many. In the contemplation of the end, they forgot, and forget wholly, the foulneſs of the means.

How was this dreadful diſeaſe of the mind, this miſerable madneſs, to be cured and eradicated!

Or, if to do this ſhould baffle all ſkill, how was it to be prevented from ſpreading through the land, from infecting the whole people; from doing this in the only and really effectual, in the only and certainly dangerous way, by the plague being communicated to the better orders of men, who guide (whether they appear to guide or not, I do not ſpeak merely of rank, but of property and ſubſtance, and eſtimation and worth) all the orders who move beneath them? The only means that could be uſed was eloquent reaſon. The only way was to make the human feelings rally around the human heart; and the ſignal for this could be ſounded only from the citadel of wiſdom, and in the commanding ſtrains of real natural feeling. Mere reaſon could have produced no effect; or, rather it muſt produce effects the moſt fatal. There was much to take hold of the fancy in the doctrine of the perfection of man; in the viſions of univerſal happineſs ſo ſoon to commence, and thrown as a pall over the hideous frightful French murders. Set reaſon, naked reaſon, in oppoſition to this, and what could reaſon do? Reaſon of itſelf could not prove that the perfection of man, and this univerſal happineſs, was a chimera. Far from it. So far from it, that a very little portion of reaſon or imagination might, in a very little time, ſhew you twenty theoretical ways, all leading directly to this grand object. The philoſophic manſion might be made, by the moſt aukward

layer out of metaphyſical grounds, the termination of every alley and row in the premiſes. Nothing eaſier than this. Beſides, (had the matter not been quite ſo eaſy), the uſe of mere reaſoning and argument, againſt reaſoning and argument, of the kind deſcribed, could have had no other effect, than to give weight and credit to what was ſought in this manner to be overthrown. To reaſon againſt any thing ſuppoſes that there is ſome reaſon, or ſhew of reaſon, in the thing reaſoned againſt. Now here the *ſuppoſition* was equivalent to the *reality*. Even the *chance* of acquiring ſo great a good, as the political and perſonal perfection of man, was worthy to be ſought through difficulties, evils, and dangers. In one word, (for in whatever point we look at it, the view is the ſame), no powers of reaſoning could wholly overturn the ſcheme of the political fanatics, or demonſtrate its impoſſibility; in many caſes, on the contrary, it would be accredited and ſupported, and this alſo in the exact proportion of the reaſonings employed againſt it. As they were multiplied, it would grow. It would not merely vegetate in this ſoil, but luxuriate. Its peſtiferous rankneſs would cover up and choak every other principle of animation. No way then was left, but to appeal, fairly, boldly, and directly to the heart of man; to ſtudy facts, and to bring theſe facts home, in energy and warmth, to human boſoms; to revive the natural heat which had been iced in the killing froſt of the new inhu-

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man metaphyſics; to reſtore that alliance of feeling and reaſon, which conſtitutes the nature of man, and in virtue of which alone, his conduct can be either pleaſing to his maker, or beneficial to his fellow citizens and brethren. But in doing this, it behoved the appeal to be ſtrongly made, and in moſt forcible language. The metaphyſical congelation would not diſſolve in the faint rays of a winter's ſun. Even the greateſt ſplendor would be inefficacious without real enlivening heat. It was neceſſary for genius to concentrate all its rays, to deſcend in "thoughts that glow, and words "that burn," to ſhine out in full irradiation and ſtrength, with vehemence and ardency; it was neceſſary that pathos and ſublimity, (that rare and admirable conjunction!) forming an irreſiſtible combination, ſhould advance along the line of reaſon, to take complete and inſtant poſſeſſion of the heart; while the underſtanding, recognizing its genuine guides in the natural affections of humanity, controuling and controuled by the moderate and managed uſe of reaſoning wiſdom, could thus alone enable the diſenchanted votaries of the new ſyſtem, to throw down the ſtandards of a falſe philoſophy, falſe to nature and nature's God, and again to unfurl, with ſteadineſs and joy, the banner of real happineſs and freedom. This powerful appeal to the hearts and the underſtandings of mankind, was at laſt made; and it ſucceeded. The *Reflections on the Revolution in France*, broke

the taliſman of democracy in this iſland. It raged and rages. But its great, dreadful, and portentous powers were ſhaken and cruſhed.

This effect of *The Reflections*, at the time, is admirably deſcribed by Dr. Parr.

" Upon the firſt peruſal of Mr. Burke's book, I " felt, like many other men, its magic force; and " like many other men, I was at laſt delivered " from the illuſions which had *cheated my reaſon*, " and borne me onward from admiration to aſſent. " But, though the dazzling ſpell be now diſſolv- " ed, I ſtill remember with pleaſure the gay and " celeſtial viſions, when my *mind in ſweet madneſs* " *was robbed of itſelf.* I ſtill look back with a " mixture of pity and holy awe, to the wizard " himſelf, who, having lately broken his wand in " a ſtart of phrenzy, has ſhortened the term of his " forceries; and of drugs ſo potent to *bathe the* " *ſpirits in delight*, I muſt ſtill acknowledge, that " many were culled from the choiceſt and *moſt* " *virtuous plants* of Paradiſe itſelf."

The effect upon the Doctor (and which he mentions as ſo univerſal) muſt, according to his own account, have been exceedingly great. He has not to this hour altogether recovered it. It was of that force and efficacy, to confirm the good; in many inſtances to convert the weak, the deluded, and even the bad; and in all caſes to make wickedneſs itſelf pauſe: unleſs that direct ſort, placed by the father of evil beyond the viſi-

tations

tations of human feeling. Yet the means ſtill remained of impairing for a time, and of retarding (while they could not be ſubdued) theſe powerful and ſalutary operations. Dr. Parr (in the ſpirit of ſelf-deluſion) appears to have practiſed on himſelf; and many others were practiſed upon, by drugs not culled from Paradiſe, to forget, or to be deadened to the impreſſion of what had at firſt ſeized ſo ſtrongly upon their rationally convinced and willingly captivated minds. The word was given, and circulated ſpeedily through the democratic hoſt. *Mr. Burke's repreſentations are grand, and ſublime, and eloquent, and pathetic;* and, THEREFORE, *they are not* TRUE.

Immediately this is proclaimed abroad; and the withered and palſied arm of democratic anarchy ſeems to regain ſomething of freſh vigour. Many men begin to ponder. Our feelings (they begin to ſay) have been ſurpriſed by falſe facts. Then they recollect that fatal error, which I have now been ſo long combating. They conclude upon that dangerous and falſe ground, that imagination here has made realities of fantaſies; and the more ſhocking and dreadful the things narrated are, the more readily, and the more confirmedly, is this concluſion made. The mind, renouncing belief, does not merely reſt in doubt. It paſſes on to abſolute incredulity. The former reaſonings now return. They are received as friends that had been injuriouſly and miſtakenly diſmiſſed.

To

To all their former credit, they add the weight of grateful amends and reconciliation. Such, with thoſe who do not chuſe to inform themſelves (without ſpeaking of the democratic partizans), and the number of thoſe perſons is great in every nation; ſuch is the effect produced by believing this pernicious and deadly error, that imagination is inconſiſtent with accuracy of detail and ſoberneſs of judgment. It has been the only engine for the upraiſing of French principles in this country, after their firſt great overthrow.

It was begun early to be worked. In a ſmall pamphlet without a name, but which I could lay my life was written by Major Scott, (all whoſe works I have read; as indeed I can read any thing; from the *hiſtory of the laſt fourteen years*, downwards to *Mr. Burke's ſpeech in Weſtminſter Hall, on the 18th and 19th of February* 1788, *with explanatory notes*) and which pamphlet followed, with the Major's uſual celerity, only three or four days after its publication, upon the heels of Mr. Burke's large work; I remember very well in this pamphlet it was ſaid, *that a gentleman who had been in* France *diſbelieved what Mr. Burke ſaid of* India, *becauſe what he ſaid of France was ſo untrue; while another gentleman who had been in* India *diſbelieved what he ſaid of* France, *becauſe what he ſaid of India was ſo untrue.* This was the purport of the obſervation; and, I believe, its language. The ſcope of the pamphlet was to hold out the *Reflections*, partly as the dream

of

of a viſionary, partly as the invention of a knave. What ſucceſs it had, I know not.

The Reviews followed in the ſame line; and, perhaps, did as much execution as Major Scott. By the bye, if the Major did not write that pamphlet, I aſk his pardon.

Next came Mr. Paine. He ſpoke largely upon this matter. It may be worth while ſhortly to hear him.

The worthy gentleman ſays,

" As to the tragic paintings by which Mr. " Burke has OUTRAGED HIS OWN IMAGINATION, and " ſeeks to work upon that of his readers, they are " very well calculated for theatrical repreſenta- " tion, where facts are manufactured for the ſake " of ſhow, and accommodated to produce, through " the weakneſs of ſympathy, a weeping effect. " But Mr. Burke ſhould recollect that he is writ- " ing *hiſtory*, and not plays; and that his readers " will expect truth, and not the ſporting rant of " high-toned exclamation."

The other paſſages of the ſame ſort are too many to be recited. It is enough to ſay, that Mr. Paine undoubtedly wrought hard in this way; and his labour (I believe) was not wholly in vain. His ſucceſs (certainly not nearly what he wiſhed, yet) was ſufficient to communicate to his virtuous heart no ſmall ſhare of gladneſs. Without a queſtion, it began to be believed, even by thoſe who had every reaſon not to be of that faith, that there was

ſome exaggeration, and perhaps were even ſome miſrepreſentations, of facts in the book on the Revolution.

All the other writers of the day held the ſame language. This general reference is enough, as to them. Dr. Prieſtley, however, in his "Letters to Mr. Burke," has a moſt curious note, at the bottom of his ſeventeenth page. He there ſays: "I am informed by a gentleman who was at Paris during the whole of theſe tranſactions, that there is *no truth at all* in what Mr. Burke ſays of the Queen's bed-chamber being broke into, or the centinel killed. Nothing of the kind, he ſays, was ever heard of till a conſiderable time after the event, and the report aroſe from the ariſtocrats." There is ſomething exceſſively childiſh in this; but I dare ſay it had its effect. As to the truth of facts, the only error ever brought home to Mr. Burke was, that he had mentioned the centinel being cut down, and left for dead, but had not mentioned that (being preſerved under a feigned name) he had, in a way little ſhort of miraculous, recovered. Mr. Burke, however, has been guilty of another error, not yet noticed. There were *two* centinels (both gentlemen of family) cut down and left for dead at the door of the Queen's bed-chamber. I ſhall mention only one other inſtance of the means uſed to depreciate Mr. Burke's facts.

It is even my friend who has trod this ground. Sorry

Sorry I am he ever ſet his foot upon it. But I muſt follow him where he leads. He has ſaid.

" Of the ſenate and people of France, his (Mr. " Burke's) language is ſuch as might have been " expected to a country which his *fancy* has peo- " pled only with plots, and aſſaſſinations, and " maſſacres, and all the brood of dire *chimeras*, " which are the offſpring of a PROLIFIC IMAGINA- " TION, goaded by the agonies of ardent and de- " luded ſenſibility."

And in another place he ſtill ſays.

" No ſeries of events in hiſtory have probably " been more widely, malignantly, and ſyſtemati- " cally exaggerated than the French commotions. " An enraged, numerous, and *opulent* body of ex- " iles, diſperſed over Europe, have poſſeſſed them- " ſelves of every venal preſs, (by the bye, does " my friend know of any preſs that is not venal?) " and filled the public ear with a perpetual buz " of the crimes and horrors that were acting in " France. Inſtead of entering on minute ſcruti- " ny, (my friend, you ſee, has the diſeaſe of the " age) the importance of which would neither " expiate the tedioufneſs, nor reward the toil; let " us content ourſelves with oppoſing one general " fact to this HOST OF FALSEHOODS. *No commercial* " *houſe of importance has failed in France ſince the* " *Revolution!* How is this to be reconciled with " the tales that have been circulated? As well " might the tranſfers of the Royal Exchange be

" be quietly executed in the ferocious anarchy of " *Gondar*, and the peaceful opulence of Lom- " bard-Street flouriſh amid *hordes* of *Galla* and " *Agows*. Commerce, which ſhrinks from the " breath of civil confuſion, has reſiſted this tem- " peſt, and a mighty Revolution has been accom- " pliſhed with leſs commercial derangement than " could ariſe from the bankruptcy of a ſecond-rate " houſe in London or Amſterdam. The manufac- " turers of Lyons, the merchants of Bourdeaux " and Marſeilles, are ſilent amid the lamentations " of the Abbé Maury, M. Calonne, and Mr. " Burke. Happy is that people whoſe commerce " flouriſhes in *ledgers*, while it is bewailed in *ora-* " *tions*, and remains untouched in *calculation*, " while it expires in the pictures of *eloquence*. " This unqueſtionable fact is, on ſuch a ſubject, " worth a thouſand arguments; and, to any mind " qualified to judge, muſt expoſe in their true " light, thoſe execrable fabrications, which have " founded ſuch a *ſenſeleſs yell* through Europe.

This is not the place to examine either the authenticity or the conſequences of *the unqueſtionable fact*; nor to remark upon how far *knowledge* can be attained without *inquiry*. Neither can I wait to conſider my friend's *benedicite* upon thoſe whoſe ledgers are well kept; nor whether any ſuch things as ledgers, or the method of Italian book-keeping, were known among the followers of Waragna Faſil. Only, in both the paſſages I have quoted, the intention is evident to hold out the Reflec-

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tions as a piece of declamation, not a narrative of facts. And, beſides, I am ſorry (exceedingly ſorry) that it ſhould have led my friend ſo far to forget himſelf, as to ſpeak (I am not ſure but in the very language, moſt certainly) in what is very like the language of thoſe whom he would be exceedingly aſhamed to imitate. I am pretty certain that either the words themſelves, or ſomething very near the words, containing this fine *antitheſis* between ledgers and orations, are to be found ſomewhere either in the writings of Major Scott, or in thoſe of a hot-headed Welſhman (whoſe name I forget, but) who wrote moſt powerfully and copiouſly againſt Mr. Fox and his India Bill in the year 1783. I do not mean to ſay that my friend is a plagiariſt; eſpecially a plagiariſt of this ſtamp. But having let down his mind (in this caſe) to their company, he naturally came alſo to uſe their language.

By theſe means, and by the indefatigable exertions of all concerned, not only a ſtop was put, for a time, to the farther demolition of the new ſyſtem, but the tide of democracy began to ſet in again ſomewhat to the ſhore. Perhaps it might have made conſiderable way, had not the French plunged into thoſe enormities, not more dreadful than what had preceded them; but, owing to many circumſtances, better known. Now (and indeed ſince that period) I do not know that there is any perſon (I am ſure none has done it publicly)

ly) who ventures to deny, as matters of fact, even the former French murders and crimes. The general reaſoning againſt their exiſtence being now taken away by the force of the more recent facts, nothing remains but the *minute ſcrutiny*, which my friend thought ſo unprofitable. And this ſcrutiny (they well know) would only be the key to the charnel-houſe of France.

Accordingly, and by theſe means, and by the meaſures of a wiſe, and watchful, and provident adminiſtration, (for here even myſelf will be a panegyriſt)* the ſpirit of French democracy has again

* Yet I would not be ſo underſtood, as if either all the means, or all the inſtruments employed, met my approbation. I have long ago, and often ſaid to my friends, that my definition of liberty would be (it is certainly its greateſt exertion) *reſiſtance to oppreſſion*. I can very eaſily conceive (I am not ſure but I have ſeen it) that very great oppreſſion may be practiſed by thoſe whom government may find it neceſſary to employ as their inſtruments for ſuppreſſing the new doctrines. There are many Engliſhmen (ſome of them neither of low rank nor ſtation) that ought to have been born in France. Where it falls within my power (if in any caſe it can do ſo) I will reſiſt ſuch oppreſſion. But never ſhall I commit the folly (of the iniquity I ſpeak not) to let the vengeance over ſuch things brood into a neglect, or contempt of the conſtitution, or into the unprincipled love of change, which hopes better things from its ſubverſion than its exiſtence. This would be to ſacrifice the whole for a part. This would be to eſtabliſh (as has been done in France) the domination of thoſe very oppreſſors themſelves, (ready always to change with the times) upon whoſe heads I called for vengeance.

gain vaniſhed from our iſland. It has fled, and *with it the ſhades of night*. The natural feelings of mankind have been again united with their reaſon; never (I truſt) to be diſjoined. Nor will I appear to have gone from my ſubject, while in examining the dangerous and futile maxim upon which they have been ſo often ſeparated, I have proved inconteſtibly that it is founded in error, and leads to deſtruction.

I ſaid, I was to produce only one other example, of the higheſt imagination being united with the greateſt knowledge and judgment. That example is Monteſquieu.

I do not need to ſpeak of this great man at any length in this view. He comes to be conſidered in another view, as the great feudaliſt and antiquary of France. In following my ſubject, in this reſpect cloſely, and explaining what he has written on the conſtitution of his own kingdom, I ſhall have held him forth ſufficiently as an example to overthrow that error, which I have combated; were it yet to be overthrown.

Monteſquieu has placed the feudal hiſtory and antiquities of France, in the two laſt books of the *Spirit of Laws*; in the eight and twentieth book; and in the nine laſt chapters, that is, from the twenty-ſecond to the end, of the eighteenth book. This ſeparation of the parts neither ariſes from caprice nor confuſion; neither does any confuſion

ariſe from it. He who reads them will find the order is natural.

I am here to give, in a very abridged (but, I hope, in a perſpicuous and ſatisfactory) manner, his theory of the conſtitution of the French monarchy, ſuch as partly it ſtood, and as wholly it might have been repaired, in our days.

What is ſaid in the concluſion of the eighteenth book (which is intituled, *Des Loix, dans le rapport qu'elles ont avec la nature du terrain*) concerns ſome explanations of the Salic law, and ſome remarks on the freedom enjoyed, and the ſtrong ſpirit of it which exiſted, among the antient Germans, whoſe tribes afterwards conquered and held France. It is not neceſſary for my purpoſe to give any further account of theſe (in themſelves very intereſting and inſtructive) chapters.

The twenty-eighth book treats of the origin and revolutions of the civil (that is the municipal) laws among the French. Under the firſt race of the French monarchy, France was governed by the Roman law, and by the different codes of laws eſtabliſhed or publiſhed among the different tribes of the barbarians. All theſe laws of the barbarians were perſonal. The *Frank* was judged every where by his own law; and in the ſame manner the *Burgundian* and the *Viſigoth*. The *Roman* too (under which name were comprehended the former inhabitants of Gaul) was judged by his own, that is, by the Roman law. Among all

all the various barbarian tribes, with only one exception, the Roman law (of which the authentic and received authority was then the *Theodoſian code*) not only preſerved its influence; but, though poſtponed in name to the barbarian laws, was adopted in its ſpirit, and alſo its regulations, in not a few of their inſtitutions. Among the *Franks*, however, and in that part of Gaul held by them, the Roman law was retained only by the churchmen, and loſt among all the other orders. The laws of the *Franks* (unlike to thoſe of the other barbarians) made great diſtinctions in favour of thoſe who lived under their own inſtitutions, and in excluſion of thoſe who adhered to the antient laws. Every body, therefore, was in haſte to put himſelf under the protection, and to gain the privileges, of the laws of the Franks. The church alone had no occaſion for this. The barbarians early adopted Chriſtianity; and, particular laws giving them particular immunities, it was not neceſſary for them, in this view, to exchange the laws of their old and Chriſtian civilization for thoſe imported by the conqueror.

Accordingly the kingdom of France, by this means, came very early to be divided into the countries of the *written and unwritten law*, or the *pays coutumier* and *pays de droit ecrit*; diſtinguiſhing originally (and in a very great meaſure all along) the provinces which were governed by the Roman law, and thoſe which were under the laws

and cuſtoms of the barbarians. It is probable that this obtained at an earlier period than we have any record ſubſiſting; but *the edict of Piſtes*, in the year 864, in the reign of *Charles le Chauve*, makes expreſs mention of this celebrated and important diviſion.

This was after the times of Charlemagne. Under his weak and ignorant ſucceſſors, the monarchy of France went on rapidly to ruin. The ſucceeding barbarity, the inteſtine wars, the foreign invaſions, plunged the kingdom in darkneſs and confuſion. The original laws of the barbarians, as well as the Roman law, were, in a great meaſure, loſt. Local cuſtoms, the judicial combat, and all the other ſtrange inſtitutions, which for a conſiderable period governed Europe, effaced in France, if not the memory, at leaſt the authority, of the older laws.

That neither the Roman law, nor the old laws of the barbarians, were wholly loſt, is certain. In the progreſs of time, St. Louis came to be the legiſlator of France. The compilations of Juſtinian were tranſlated by his order. Hitherto the Theodoſian code had been retained in name (yet mention is made, in the capitularies of the Second Race, of Juſtinian's collection) but it had been retained in name only, and through attachment to antient uſage. No traces of it, after the reception of the later body of the Roman law, appeared in the kingdom. The *Corpus Juris* was ordained to be taught,

by

by the authority of Philippe-le-Bel; and this ſyſtem was received, as clothed with the direct authority of law, in the *pays de droit ecrit*, and, though not having the expreſs authority of law yet, as *written reaſon*, in the *pays coutumier*. As to the more national laws themſelves, (that is, the laws introduced by the ſeveral conquering tribes who had parcelled out Gaul into thoſe diviſions, which afterwards became the kingdom of France) theſe likewiſe were reſtored or repaired. *The eſtabliſhments of St. Louis*, the treatiſes of *De Fontaines*, *Beaumanoir*, and other practical lawyers, with the great acceſſions of legal knowledge that came forward in ſucceeding times (the *droit coutumier* itſelf, though ſtill ſo called in contradiſtinction to the Roman law, being now committed to *writing* and firmly eſtabliſhed) completed the fabric of the French municipal law. And in this manner nearly, it ſtood in our days, before the commencement of this Revolution.

Such is the general view, illuſtrated with wonderful genius and learning, given by Monteſquieu in this book, of the legal or civil inſtitutions of the French monarchy. If it be not unbecoming in me to ſay any thing, I would ſay that my own reſearches lead me to agree in every thing with what is here laid down by this great man; and, without any reſearch on the part of others, he is ſo ſtrong in reaſon and proofs himſelf, that he muſt be a bold or a fooliſh man, who ſhould not at once

yield to them. It is truly aſtoniſhing, with what eaſe this ſublime and vigorous genius advances, his courſe ſtraight onward, through all the difficulties and darkneſs, all the ſtops and paſſes and obſtructions, of the moſt perplexed, moſt impracticable, and leaſt frequented paths, of the old legiſlation of Europe, and of his own kingdom.

It is plain from this account of the civil laws of France, that her juriſprudence was ſimilar to that of the other European nations; that the laws regarding private property and the rights of individuals, or of bodies of men, were drawn from the ſame ſources, and founded on the ſame maxims, as in other countries; and that if in many reſpects they needed ſimplification, this is no more than what is required (and by ſalutary ſtatutes not unfrequently done) in the other kingdoms; and which had been done, and was doing, and was evidently ſtill more to be done, (I ſpeak antecedently much to the times of the Revolution) by men ardent in, and fitted for the duty, among the French people. There was no juſt cauſe of diſcontent could exiſt on account of their civil conſtitutions. We, neither in England, nor in Scotland, ever thought of rebelling, in order to do away the remains of feudal oppreſſion, (oppreſſion, only becauſe moſt of its antient inſtitutions, and all its antient virtue, was gone); nor were the acts of Charles the Second in England, or of George the Second in Scotland, by which

theſe

theſe oppreſſions were removed, brought about in any other way than by the quiet means and peaceable views of legiſlative improvement.

Perhaps ſome perſons may ſay, or think, that the great prevalence and authority of the Roman law in France, was an argument againſt the freedom and juſtice of their national juriſprudence. But ſuch perſons do not conſider that the Roman law is univerſally received, aud has in fact the greateſt authority, in every country in Europe. In Scotland it is the common law of the land. In other European kingdoms, (whoſe municipal inſtitutions are reckoned very favourable to juſtice) it is the only received law; either in its matter or in its ſpirit. Even in England (without ſpeaking of the particular courts, where it is acknowledged as of direct authority) its general influence is exceedingly great. Once it had in England the ſame eſtabliſhment as elſewhere. The eſtabliſhment is gone; but not the authority. It is ſtill held there (and, till our natural principles and acquired learning of juſtice be wholly changed, muſt be held) as of the higheſt influence in every ſyſtem of law, as a body of *written reaſon*. Such perſons alſo do not conſider that the Roman law (in the compilations of Juſtinian) is in fact the law of the Republic; drawn from ſources nearly as antient as the firſt and ſecond Punic wars. It went back thus far, as a ſcience publicly taught. In point of mere ſtudy it may be traced up to the earlieſt ages

of the commonwealth. It would be a long hiſtory to enumerate all the cauſes which raiſed the ſcience of juriſprudence to ſuch dignity in Rome; to recount all the great names who, in the courſe of centuries, enlarged its boundaries and increaſed its eſtimation and importance; and who, while they cultivated juriſprudence, were in other reſpects the ſtay and ornaments of the ſtate. Many great men flouriſhed before them: But from Servius Sulpicius, down to Ulpian, Papinian, and Paulus; who ſacrificed to juriſprudence, equally with Sulpicius, on the altar of the Republic; no ſuch ſucceſſion of men, as the Roman Juriſconſults, has ever been ſeen (nor but for peculiar cauſes could have been then ſeen) in the records of the world. Their juriſprudence was manly, enlightened, and free; and it is the juriſprudence of theſe men (and of them alone) that is collected in the Pandects.

So far as the Roman law is taken for the adminiſtration (or the rules laid down by ſome Emperors for that adminiſtration) of the corrupted Roman government after the time of Auguſtus, I have nothing to ſay to it. Every body knows that it was a ſhameleſs tyranny. But this tyranny was not countenanced by the Roman juriſprudence. The famous *Lex Regia* (about which ſo much nonſenſe has been written and ſpoken, and now in modern Europe for ſo many hundred years) formed no part of the juriſprudence of Rome. It was part (and it was no more, even as the ſtory is told againſt it)

of

of the corrupted *political conſtitution* of the empire; although it produced very few corrupted political effects. The juriſprudence of Rome had here fairly the maſtery. The reſcripts and the *Placita* of the Emperor generally proceeded upon the advice of the Juriſconſults; and while the Roman people had ſurrendered their legiſlation into the hands of the Prince, the ſpirit of the antient juriſprudence yet bound up his hands from evil. It was this *Lex Regia*, brought forward as a bugbear, that firſt frightened the people's minds in England, and then made them hoot the Roman law from their country. At the ſame time I am far from denying that wicked men diſplayed alſo their ignorance, by aſſerting that an Engliſh King was by the Roman law abſolute over his ſubjects. I certainly ſhould have made no complaint, had the option been betwixt the baniſhment of the Roman law and the reception of ſuch a principle.

It is, therefore, a clear point, and in every way ſuch, that the juriſprudence of the French monarchy was ſimilar to that of the reſt of Europe, and to our own; and that where it was defective, defects might be ſupplied, and where parts were to be taken away, they might be taken away, not only without the ruin, but to the ſafety, of the fabric.

The laſt book of the *Spirit of Laws* but one, regards the theory of the *feudal laws* among the Franks, in their relation with the *eſtabliſhment of the monarchy*.

The

The *Viſigoths*, the *Burgundians*, and the *Franks*, were the conquerors of Gaul. The firſt ſeized upon the ſouthern provinces. The Burgundians eſtabliſhed themſelves in the eaſt; and the remainder of the country became the portion of the Franks.

The Viſigoths and Burgundians had ſettled in many places in Gaul, with the conſent or with the unwilling permiſſion of the Romans. Their ſhares of the territory, (which came to be given them inſtead of donations of corn) were, accordingly, often fixed, by conventions betwixt them and the Emperors, or by agreements with the provincial magiſtrates in name of the Emperor. This was not the caſe with the Franks. They conquered; and held what they conquered by the ſame right they obtained it; nor was there any diviſion of the lands with the old inhabitants.

Theſe old Roman inhabitants, however, under all the conquering tribes, retained their antient ranks, and enjoyed their antient immunities. Where the partition of the lands took place by agreement, the barbarian tribes (yet moſtly in the ſhepherd ſtate) received the chief ſhare of the lands, (generally two thirds) while the Roman or Gaul had the chief ſhare of the ſlaves; of which only a third went to the barbarian ſettler. The plough required leſs land and more labourers. The Burgundian or Gothic ſhepherd wiſhed for ſpaces of paſturage, and was ſatisfied with the few

ſlaves

ſlaves neceſſary to protect his flocks. With regard to the foreſts, the diviſions were equal, becauſe the wants and the ſituation were equal. And thus the nations coaleſced.

The Franks, with a different career, had the ſame moderation. There was no formal diviſion; but they occupied no more lands than their wants required. What would they have done with them? ſays Monteſquieu. The queſtion is proof; even were there not facts. And the Salic and Ripuarian laws ſhew to the firſt glance, that the natives lived among the Franks in as little ſubjection as among the other barbarians.

Natives and ſettlers, all had the diſtinctions of rank, and of perſonal or political ſtate; and all retained them. The Romans had ſlaves; and ſo had the barbarians. Their anceſtors in Germany had them centuries before; and the inſtitutions of their domeſtic ſlavery are recorded by Tacitus *.

The

* Tacitus uſed to be of great authority in France; and eſpecially among the *philoſophers*. He was the idol of Rouſſeau, and of his perſecutor Jean le Rond; by the (then) courteſy of France, ſtyled D'Alembert. He is of ſome authority, I ſuppoſe, too with the *eleve* of this laſt; the algebraiſt Condorcet. And he will long continue to be of authority with men, much their betters. What he ſays in concluding his account of the domeſtic ſlaves among the Germans, deſerves, in point of fact, great attention. The remarks upon the fact are natural enough; and might have been

The barbarians had nobility, and gentry, and freedom; and ſo alſo had the Gauls and Romans. As to other matters, the lands of the barbarians paid no tribute or tax; and the lands of the conquered natives ſoon had their imperial taxes changed into feudal military ſervice.

In the voluntary companions of the Princes, (the *comites* of Tacitus, concerning whom he ſpeaks ſo highly) and who followed them in all their enterpriſes, Monteſquieu diſcovers thoſe orders of men, who known under different names at different times, formed afterwards ſo conſiderable a portion of the French monarchy. The Salic law knew them under the name of *homines qui ſunt*

been made by others. Made by him their authority is ſtill greater.

After deſcribing the ſlaves, he ſays: *Liberti non multum ſupra ſervos ſunt; raro aliquod momentum in* domo, *numquam in* civitate, *exceptis dumtaxat iis gentibus*, QUÆ REGNANTUR: IBI ENIM ET SUPER INGENUOS ET SUPER NOBILES ASCENDUNT: APUD CETEROS IMPARES LIBERTINI LIBERTATIS ARGUMENTUM SUNT.

It is needleſs for me to make any remarks, either upon the fact recorded, or the concluſion made by Tacitus. Only the people of *equality* who *rule* in Paris over the nobles and gentry (if any ſuch remain) would do well to conſider it; or others would do well to conſider it for them. I do not mean for the purpoſe of mending their morals, (that will neither be done here nor hereafter:—yet I ought not to limit the goodneſs and mercy of God!) but to confound their theories.

By this paſſage of Tacitus, it appears, that the Germans, even in his day, had both a nobility and gentry.

*ſunt in truſte regis*; in the *forms* (or, as we would call it in Scotland, *ſtyle-book*) of Marculfus, they are called *antruſtions* of the king; from a word *(trew)* ſtill preſerved in Scottiſh orthography, and of moſt common uſe in Engliſh language; by the firſt hiſtories of France they are named, *Leudes* and *fideles*; and in the after ages (as in different relations of the ſame character) they were the *vaſſals* and *lords* of the later hiſtorians. The property and poſſeſſions of theſe *leudes* (their moſt common name in the firſt times of the monarchy of France) were, according to the various authors and periods, termed *fiſci* or *fiſcalia*, (thus they are in Marculfus) and afterwards, *benefices*, *honours*, *fiefs*. And theſe poſſeſſions were originally temporary, and ſubject to recal at pleaſure. They were held by the tenure of military ſervice; ſuch as the *comites* had (according to the account Tacitus gives of them) performed to their chiefs or princes in Germany of old.

But another order of men alſo gave military ſervice. Theſe were *les hommes libres* ("homines "liberi") Franks, Romans, and Gauls, who neither poſſeſſing benefices or fiefs, nor being obliged to cultivate the ſoil in a ſtate of domeſtic ſervitude, poſſeſſed as *freemen* the lands called *allodial*. They were led (according to their diſtrict) to the war, under the authority of an officer, who was termed the *Count*; of great military command as well as civil authority; and who had ſubordinate

to himſelf certain officers, ſtyled *vicarii* and *centenarii*, who conducted the freemen of their reſpective diviſions. Theſe *centenarii* were ſo called from being at the head of the *centaine* or *bourg*, the freemen of which were named *compagenſes*; and which diviſions anſwered exactly to the excellent and ſo much admired inſtitution of the *hundreds* in England.

This matter makes me leave Monteſquieu for a moment. It is thus clear that France had the ſame free and famed inſtitutions, which are ſo much and ſo deſervedly the boaſt of Engliſh patriotiſm. Far be it from me to depreciate, far even not to glory, in theſe monuments and records of old renown. Yet "an overdone ſtyle of infi-" dious panegyric" has long been current on theſe matters. I have ſeen one book (I believe there are many of the ſame kind), which has for a title, *Leſſons to a Young Prince*, in which the reign of Alfred, the conſtitution of our government in his time, and the political and civil regulations made by that truly great man, are praiſed (and who would not praiſe them? though not ſo praiſe them) with the evident deſign of repreſenting the conſtitution, as it now ſtands, to be not only a degeneracy from this purity and perfection, but viciouſly and incurably its oppoſite. I do not mean (at leaſt not here) to enter into any diſcuſſion of this ſubject; and certainly no where in the line of oppoſite argumentation with theſe pretended politi-

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cal antiquaries of the day; whoſe erudition and logic are, (as they ſhould be) nearly upon a level with their good faith and intentions, and with each other. But it is certainly worthy of obſervation in paſſing, that inſtitutions of the ſame ſort with thoſe ſo greatly extolled, were known at a ſtill more early period in the kingdom of France. Theſe diviſions were known among the Franks, and eſtabliſhed by their kings, ſo early as the year 595, in the reigns of Clothaire and Childebert. Our illuſtrious lawgiver and hero, in a later age, only imitated their antient inſtitutions; nor does he appear to have thought it any reproach, in forming a conſtitution for his people, to imitate or adopt what had been received or introduced in other countries and times; or to be wiſe by the wiſdom of others, a thing ſo contrary to the ſpirit and to the practiſe of modern (from the poverty of language I muſt give it the name, of, yes, modern) legiſlation. I now proceed with Monteſquieu.

There was a third claſs of men who gave military ſervice. Theſe were the vaſſals of the clergy. Altogether, the feudal militia was threefold. The vaſſals of the king (the *leudes* or *fideles*) who had under themſelves alſo other vaſſals; the vaſſals of the biſhops and of the other clergy; and finally, the freemen. Such were the diviſions and orders of men, and ſuch was the military ſtrength of France, in the firſt times of its monarchy. The king,

king, more peculiarly the head of his own vaſſals, and who in the field led them to battle and victory, was the head alſo of the nation; but of which the ſeveral orders acknowledged at the ſame time more immediate leaders, under the authority of the ſovereign as the chief of the ſtate.

Thoſe who had the right of leading to war poſſeſſed likewiſe the right of adminiſtering juſtice. This union of the judicial and military power was not (what it might at firſt view appear) an oppreſſion or grievance to the people. The chiefs never judged alone. They had in all caſes an *aſſize*; and a jury of twelve men for deciding cauſes was an inſtitution coeval with the French monarchy. It had its origin in the foreſts of Germany, and was not loſt or impaired among the conquerors of Gaul.

With regard to taxes, or public or fiſcal burdens, they were almoſt none. The furniſhing of carriages on certain public occaſions, was the principal burden the people had to ſupport; and with regard to this, and any other ſimilar matters, there were laws, and ſtrictly executed, for preventing all malverſation.

According to the revolutions that happened in the progreſs of the fiefs, and in conformity, at the ſame time, with the uſages and former inſtitutions of the barbarians, their judicial ſyſtem, in its territorial exerciſe, aſſumed at different periods new aſpects, though it ſtill retained, and all along, the original

original features and caſt. There is no neceſſity of following or marking either its variations, its ſameneſs, its ſtability, or progreſs.

Among the different orders of the ſtate, there was a diſtinctive, but not an excluſive nobility; whoſe origin was loſt in the obſcurity of old times, and before the conquerors of Gaul had iſſued from their foreſts. This nobility ſupported, without being ſubſervient to, the throne; and they were raiſed above the people without oppreſſing them.

This was the *eſtabliſhment* of the French monarchy.

In the laſt book of *The Spirit of Laws*, Monteſquieu conſiders the feudal inſtitutions among the Franks, in their relation with the *revolutions* of the monarchy.

The minds and the manners of the Franks were not of the ſame excellence with their political and civil conſtitution. The deſcription given of them by Monteſquieu is abominable. They perpetrated murders (he ſays) in cold blood; and put to death thoſe who were accuſed, without even hearing them. In the midſt of theſe crimes, and of that anarchy, which was partly their cauſe, and partly their conſequence, as the royal power became gradually enfeebled, that of the officers ſtyled *Mayors of the Palace*, grew proportionally ſtrong; till at laſt this officer engroſſed all the authority of the crown, and one of them, to tranſmit, though it did not increaſe, his power, ſeated himſelf ſecurely on the throne of France.

The firſt Mayor who laid the foundations firmly, of the future eminence and power of this official name, was *Warnachaire*. He obtained from Clothaire the Second, to hold his office *for life*. By this, more was effected not only than the King knew or foreſaw, but more, very probably, than the Mayor intended. He had formerly been the Mayor of the King. He was now the Mayor of the nation. The King formerly named him. The nation now named him. The King's miniſter governed the King; and the King's ſubjects elected the King's miniſter.

This abaſement of royalty can be traced hiſtorically, and in the order of events. It aroſe from, and proceeded in, a train of affairs, ſufficient both to give it riſe, and to accelerate its progreſs. But there were earlier and internal cauſes of very efficacious operation too; and which Monteſquieu has developed.

The Germans in their woods had hereditary kings and elective chiefs. *Reges ex nobilitate, duces ex virtute ſumunt*. The firſt Franks conquered Gaul under their kings; and they, accordingly, thought of no other military chief than him, under whom they had encountered death and obtained victory. After the ſettlement, the military ardour of the kings ceaſed. Thibault, the ſon of Theodebert, a young, weak, and fickly prince, was the firſt king of the Franks who preferred the palace to the field. He refuſed to march into Italy againſt the Eunuch Narſes; the celebrated general of Juſtinian;

tinian; whoſe toils, and renown, and victories, were once to have been dictated by the Epic Muſe, to her favourite Taſſo. The Franks recalled to their memory the German cuſtoms; and choſe two chiefs to lead them in the war. The military ſword fell from the hand of their Kings; and, with the command of the national army, the Mayor of the Palace obtained the command of the people and the throne. The Kings were in name the chiefs of the army; but they were allowed to have the name, only becauſe they wanted the power.

A revolution, as bloody as it was extraordinary, marked the firſt riſe of the dominion of the Mayors. It ended in the dreadfully cruel death (in the year 613) of the celebrated Queen *Brunehault;* who, after a reign which adorned France with monuments that remain (or lately they remained) to this day, was deſtroyed with circumſtances of cruelty, unexampled in any country but that inhabited by the French.

Warnachaire was the ſoul of the conſpiracy againſt Brunehault. He received the mayoralty for life.

After the death of Warnachaire, the office ceaſed for a time. But the feebleneſs of royalty ſoon demanded that prop; and the nation perſuaded itſelf, or was perſuaded, that it was more free under an elective mayor than a hereditary king.

The kingdom of the Franks, ſometimes more united, and ſometimes more detached, was gene-

rally, as it began to fall into decay, parcelled out into the three ſeparate governments of Auſtraſia, Neuſtria, and Burgundy. The victory of the Mayor Pepin, over Theodoric and his Mayor, and that of Charle-Martel afterwards over Chilperic and his Mayor, in which Auſtraſia twice triumphed over Neuſtria and Burgundy, raiſed the mayoralty of that government over all the other mayoralties of the Franks, and the family of Pepin, in which that mayoralty had become as it were hereditary, over all the other French families. The kings of the Franks became more degraded than ever. They were reduced to a condition almoſt as low, as that of the king of France by the conſtitution of the firſt National Aſſembly. The reſemblance indeed is ſo ſtriking that one would think, in the picture drawn by Monteſquieu, of thoſe early times, the very ſituation of Louis the Sixteenth was deſcribed as under the *ci-devant* conſtitution. "The victors were afraid" (he ſays) "leſt ſome "leader of weight ſhould get poſſeſſion of the per-"ſon of the kings, with the view of exciting diſ-"turbances. They confined them in ſome royal "palace as in a kind of priſon. Once a year they "were ſhewn to the people. In this priſon they "gave their ſanction to laws, but they were the "laws of the mayors; they gave anſwers to am-"baſſadors; but they were the anſwers of the "mayors. It is in thoſe times that the hiſtorians "ſpeak of the dominion of the mayors over the "kings, who were in fact their ſubjects." The condition

condition of the French King, by the conſtitution of the firſt aſſembly, was preciſely this; if indeed it was ſo tolerable. The Mayors of the Palace were better men than the Mayors of Paris; and the annual exhibition was at leaſt externally honourable; and not a ſavage inſult, like the pillory erected for the yearly humiliation of their King and Queen, before the whores and banditti of Paris, on the infamous fourteenth of July.

The attachment of the Franks to the family of Pepin proceeded to ſuch extravagance, that they elected as Mayor one of his grandſons who was ſtill an infant; and, to crown this delirious act, they made this infant the guardian of a perſon, who, beſides the name of Dagobert, had alſo that of King.

The attachment of the Franks to *royalty* was as great as ever. They only knew nothing of the *perſon* of their king. In this reſpect alſo they differed from their deſcendants of this day.

Nothing, accordingly, was eaſier, while the royal acts were only viſible in the Mayor, for that officer to aſſume, in the progreſs of time and events, with the royal authority, the royal name. The mayoralty and the royalty were at laſt united in the perſon of the Second Pepin, the ſon of Charle-Martel. Yet the grandſon, in fact, enjoyed no more power than the grandfather had done. King Pepin was a man of no more conſideration among the Franks than Duke Pepin had been. From the moment of the victory of this laſt over the Mayor of Theoderic, his family became the reign-

ing family, and the line of the Merovingiens was no more. The coronation of his grandſon was the addition of a ceremony, and the removal of a phantom. No new authority was acquired; nor any thing changed in the government of the nation. Only, at the beginning of this ſecond (the Carlovingian) race, as the *Mayor* had been elective, ſo the *crown*, though hereditary in the family, was elective in the perſon.

Monteſquieu has diſtinguiſhed moſt admirably betwixt the Revolution which eſtabliſhed the ſecond race, and that which placed the third race on the throne of France.

" When Hugh Capet was crowned King, in the " beginning of the third race, a greater change " took place, becauſe the ſtate paſſed from anar- " chy to ſome form of government; but when " Pepin mounted the throne, the ſtate only paſſed " from a government of the ſame kind to a go- " vernment of the ſame kind."

" When Pepin was made King, he only chan- " ged his name; when Hugh Capet was made " King, there was a change in the thing itſelf; " becauſe a great fief united to the crown, put an " end to anarchy."

" When Pepin was made King, the title of " King was united to the greateſt office in the " ſtate; when Hugh Capet was made King, the " title of King was united to the greateſt fief in " the kingdom."

Theſe

Theſe diſtinctions are as clear as they are inſtructive.

Pepin was a great prince. His ſucceſſor Charlemagne was a much greater. The portrait of Charlemagne by Monteſquieu, is what none but the one could draw, and none but the other deſerve.

No particular details of the government of Charlemagne are given in the Spirit of Laws. It was not in the buſineſs of the work. They will be given afterwards from the book of the Abbé de Mably. Charlemagne found France and left it a mixed monarchy.

There was a ſingular circumſtance (and it has been mentioned) as to the royalty of the ſecond race. The people were bound to the family, but not to the individuals of the family. They might chooſe the individual themſelves pleaſed. They had the right of election in the family; or rather they had (more properly ſpeaking) not the right to elect, but the right to exclude.

This right of the people is eſtabliſhed and acknowledged by expreſs public documents which ſtill exiſt. But in the matter of fact, the declared will of the anceſtor generally received the ſanction of the people; and as the crown was by *right* hereditary in the family, it alſo deſcended in *fact* to the heir named.

Charlemagne was not merely King of France. Great part of Europe acknowledged his ſway. He recovered the dominions, and received the title of

Emperor of the Weſt. His immenſe territories were, at his death, portioned out among his children; who were not like their father. Louis le Débonnaire reigned in France. His reign was weak and full of troubles. His children, by their quarrels and wars, enfeebled their authority and the ſtate. The ſeveral orders in the community became the declared enemies of each other. The government was inadequate to the protection of the ſubjects. A weaker prince ſucceeded, as if by regular and fixed rule, to a prince weaker than had gone before him. Every day there was leſs obedience; and every day there was more oppreſſion. To complete the miſeries of France, the Normans arrived on their coaſts; and they ravaged and murdered as if they had been natives. The moſt powerful chief in the kingdom was Hugh Capet. The crown paſſed into his family; and his deſcendants, from that period, have been acknowledged kings of France, till the 5th of October 1789.

Under the third race, the crown was not only hereditary in the family, but the right of primogeniture, now completely eſtabliſhed, aſcertained ed a fixed rule of deſcent. Many of the evils which afflicted France, had, in the enfeeblement of the monarchy, in the later times of the ſecond race, proceeded from this right not being eſtabliſhed.

With the acceſſion of Hugh Capet, Monteſquieu concludes his theory of the feudal law in France,

France, and of the antient conſtitution of that kingdom; now become in all reſpects an eſtabliſhed feudal monarchy. In following the progreſs and changes of the government, I have not ſtated what happened as to the progreſs of the fiefs. Monteſquieu has explained this important matter in the ſame book; and the whole conſtitution of France appears from it moſt clearly.

Marculfus wrote his *Book of Styles* in the times of the Mayors. In it are found forms of feudal grants by the kings for life, and alſo to heirs. Towards the end of the firſt race, therefore, ſome fiefs went to heirs.

The feudal vaſſals of the king enjoyed privileges unknown to the allodial proprietors. So early as the times of Marculfus likewiſe, it appears that the allodial proprietor was eager to get his free property changed into a feudal holding. The form of a written deed of this ſort, is the thirteenth of his firſt book. The free eſtate was ſurrendered into the hands of the king, and received from him again as a fief.

If this was done under the firſt race, it was done much more in the decline of the ſecond. Every man needed a protector, and haſtened to find him. Security (ſuch ſecurity as could be found) was to be found only in the body of the feudal nobles. The allodial proprietors entered into the feudal monarchy, the political monarchy being now no more.

Before this change into feudal tenure, the allodial proprietors gave military ſervice. Charle-Martel, accordingly, in the beginning of the ſecond race (for without the title of King he yet belonged to this race) gave the lands of the church to his victorious followers, (who had enabled him to ſeize them) in allodiality as well as in tenure. In his times allodiality was not wholly unprotected or inſecure. The change into tenure was afterwards almoſt univerſal. All the grants of land by Charle-Martel were for military ſervice.

It is neceſſary to ſpeak ſtill farther of Charles-Martel. His times form an epoch in the French annals. He was the ſon of Duke Pepin, the father of King Pepin, and the grandfather of Charlemagne.

It has been formerly mentioned that the freemen went to war under their Count, and the vaſſals under their Chief or Lord. Theſe two orders of men balanced each other. However they were orders likewiſe completely diſtinct. The freemen even (ſo much was this the caſe) were not capable of holding a fief.

But in the times of Charles-Martel, a ſort of revolution happened in the feudal inſtitutions. The wealth of the church was diſtributed to his ſoldiers; and the grants (as has been already ſaid) were partly allodial and partly in tenure. The nobles, who had fiefs already, might (as

Monteſquieu thinks) find it more advantageous to receive the new grants as allodial. The fiefs they had before, gave them all the dignity and ſecurity that fiefs could give. The freemen, on the other hand, received the feudal grants with rapture; and thought their burdens nothing when they looked at the power and protection which fiefs, in the circumſtances of the times, conferred or ſecured.

Monteſquieu will not ſay whether the fiefs of Charle-Martel were for life or in perpetuity. But he knows (and he pretends to know no more) that in the times of Charlemagne, and immediately after Charlemagne, there were fiefs which went to heirs.

At all events, the times of Charle-Martel appear to be thoſe in which the freemen became capable of holding feudal grants.

The reaſons for this are convincing; but there is no need to place them here.

But while the freemen could thus hold fiefs, the militia of the Count was not weakened. The allodial proprietor furniſhed his quota to this ſervice, according to a ſettled rate. His allodial property, too, ſtill continued under the immediate power of the King, by being under the juriſdiction of the Count; the King's officer. He depended in no way upon his feudal ſuperior, or lord, but in reſpect of his fief; and if his fief was held

of

of the King, he was thus under the King's power doubly. And thus matters ſtood for ſome time.

The ſucceſſors of Charlemagne were giving daily proofs how little they deſerved to ſucceed him. The three brothers (ſons of Louis le Débonnaire) reigned and fought together. At laſt a hundred thouſand Frenchmen fell in the battle of Fontenay. After the battle, the brothers made a treaty, in which the French monarchy fell.

After this treaty, and by it, (*Conventus apud Marſnam*, in the year 847) an allodial proprietor might ſurrender his allodial property, either into the hands of the King, or of any other ſuperior Lord, at his own choice. Formerly the free proprietor might, beſides his free property, hold a fief either of the King, or of another Lord. But now the free property itſelf was to be changed into a feudal holding; and it might be ſurrendered in order to be held of a ſubject. Thus thoſe, who as freemen under the juriſdiction of the Count, had been ſimply and entirely in the power of the King, might become (as moſt of them did become) the vaſſals, and in the power, of the King's ſubjects.

As allodial property paſſed to heirs, it retained this quality when it became feudal. A capitulary of Charles le Chauve, one of the three brothers, ordains this even to be law. The allodial proprietor was thus placed beyond the King's power doubly. Beſides, what was taken from the King was not merely

merely a diminution of his power, but an abſolute increaſe of the power of others.

This change in allodial property was accompanied by a change in the fiefs.

By a capitulary under King Pepin, it appears that ſubinfeudations were made in his time. But theſe arriere-vaſſals, in fiefs held for life, loſt their right upon the death of the principal vaſſal; and in grants at pleaſure, when the King recalled the grant, *their* rights were taken away alſo. The arriere-vaſſal, having no permanent connexion with the vaſſal in chief, returned again under the power of the King. The arriere-fief, not being a dependance of the fief, but the fief itſelf, returned under the power of the King alſo. But this was changed when fiefs became hereditary; and when arriere-fiefs too became hereditary. What was held before immediately of the King, was now held only mediately. And in the progreſs of ſubinfeudations, the diſtance from the King's power increaſed proportionally.

The treaty of the three brothers augmented the evils hence ariſing to the crown; and it introduced more.

In former times, and under the vigorous government of Charlemagne, the military force of the kingdom was, under the ſanction of heavy pains, aſſembled at the ſummons of the ſovereign to meet the enemy; and if there was no example of puniſhment, this was becauſe there was no example

ample of diſobedience. The three brothers, by their treaty, declared, that the nobles ſhould not be called with their followers into the field, but in the caſe of a defenſive war. After this, the influence or authority of the King with the nobles wholly ceaſed. But the military ſpirit of their ſubjects did not alſo ceaſe. The vaſſals followed their Lords in their private expeditions; and became more and more unconnected with the King. It is eaſily to be ſuppoſed, that the three brothers yielded up the right, by which the nobles were to follow them to battle, with reluctance. It muſt have been torn from weakneſs, this abandonment of ſo great an engine of power; and it rendered that weakneſs ſtill more feeble. Yet the nobles had the ſtrongeſt ground of juſtice (whether grounds of juſtice were the immediate motives or not) to demand that this antient right of their Kings ſhould be done away. Kings, who only reigned to lead their ſubjects to periſh in the field, in their own domeſtic quarrels, which deſolated the face of France, and in which its beſt blood was poured out like water for a thing of nought, could, in the day of humiliation, find nothing to oppoſe to the declaration of their Barons, that the ſafety and defence of the ſtate itſelf ſhould alone call them and their powers to battle. This declaration of the Barons continued to be the military law for many ages in France.

Another general regulation took place under Charles le Chauve. The great and powerful office

fice of Count was made hereditary. The counties paſſed to the children of the Count.

The other great offices followed in the ſame train; and in a ſhort time they and the fiefs alſo, paſſed not only to children, but to diſtant relations. The connexion of the vaſſals with the crown was every day leſs, and more remote; and power was viſibly falling, and rapidly, to diſſolution, and not merely to decay.

I cannot (perhaps ought not to) enumerate all the ways in which the crown was enfeebled. I ſtate the fact, which is beyond contradiction, and is not contradicted; and the chief means, themſelves both facts and cauſes, which Monteſquieu has diſcovered and recorded. A reference to the Spirit of Laws is only neceſſary for the reſt.

The fiefs, like the crown, under the ſecond race, were hereditary and elective. The practice in the one, no doubt, influenced the practice in the other. The ſucceſſion of the fief was in the family; but the ſuperior might chooſe the child. This was not the rule in after times.

In France, through the weakneſs of the government, fiefs became hereditary in that nation (that is, became more or leſs, and always greatly, in ſome caſes wholly, independent of the crown) more than a century before this took place in Germany; which, equally with France, had been under the ſovereignty, and fell to the children of Charlemagne.

In conſequence of the ſame weakneſs, a ſtrang-

er

er houſe diſputed and wreſted the empire from that family. Charles the Simple formally acknowledged (though with the ſelf-palliation of a ridiculous ceremony) the title of this ſtranger houſe to the dominion of Germany.

Thus the crown, through theſe various events and changes, was a bauble on the heads of the laſt Princes of the Carlovingian line. When Hugh Capet, as the greateſt feudal lord, became King of France; it was his ſeignorial power that ſupported his royal dignity. As fiefs were in perpetuity; ſo now was the crown. As perpetuity had gradually eſtabliſhed the right of primogeniture in the one, ſo it was, in the ſame way, eſtabliſhed in the other. The crown was a great fief. And thus, in tracing the progreſs of feudality in France, we arrive at the ſame concluſion and time, as in tracing its public adminiſtration and government. By the acceſſion of the third race, the power of the crown was reſtored; and at this period France became a ſettled monarchy.

And here I am to leave Monteſquieu, after firſt ſtating the different maxims of public law as to the ſucceſſion of the crown, in the three different races.

Under the firſt race, the ſucceſſion to the throne fell to the brothers in common; and the diviſion made by wrong or rightfully, amicably or by war, in every caſe weakened, in ſome nearly deſtroyed, all the energy of good and ſettled government.

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This ſort of ſucceſſion was not much better than election. Upon this was raiſed (other circumſtances too combined) the power of the Mayors; and when that power came to its height, the Mayors ſucceeded, by the ſame maxims, to the throne, as they had done, after the nothingneſs of the Kings, to their office in the palace. The office could not be divided; and the crown was not divided.

In allodial property, during this race, the rule of diviſion among brothers took place likewiſe. Fiefs granted during pleaſure, or only for life, being no object of ſucceſſion, were no object of diviſion.

Under the ſecond race, matters were in many reſpects different and the ſame. The right of primogeniture was not received as conſtitutional to the crown; nor as legal in the ſucceſſion of the ſubjects. But ſome ſort of pre-eminence, and ſome notion of better right, attended the firſt born; and under the third race, primogeniture was the law of ſucceſſion in the monarchy, and of landed property by the civil laws of the ſtate.

The Preſident Hénaut has expreſſed himſelf very ſhortly and clearly on this ſubject. He ſays:

" Sans adopter aucune ſyſteme ſur la ſucceſſion " à la couronne, il ſuffira de dire hiſtoriquement, " qu' à l'avenement de Pepin, on vit pour la pre- " miere fois la couronne paſſer dans une maiſon " étrangere: Pendant toute la premiere race, elle

" n'avoit eté porteé que par les deſcendans de Clo-
" vis, à la verité ſans droit d' aineſſe, ni diſtinc-
" tion entre les batards et les légitimes, et avec
" partage; elle fut poſſédeé de meme ſous la
" deuxieme race, par les enfans de Pepin; mais
" ainſi qu'il avoit dépouillé l'héritier légitime, ſes
" deſcendans furent dépoſſédés à leur tour. En-
" fin, ſous la troiſieme race, le droit ſucceſſif-he-
" reditaire s'eſt ſi bien etabli, que les rois ne ſont
" plus les maitres de déranger l'ordre de la ſucceſ-
" ſion, et que la couronne appartient à leur ainé
" par une coutume etablie; *laquelle*, dit Jerome
" Bignon, *eſt plus forte que la loi meme, cette loi ayant*
" *eté graveé, non dans du marbre ou en du cuivre,*
" *mais dans le cœur des François.*"

And in this manner, according to the view given of it by Monteſquieu, did the French monarchy come to be eſtabliſhed, after the ſeveral revolutions through which it paſſed. He has ſaid nothing (for this belonged to the office of an hiſtorical antiquary, and would have been wholly miſplaced in ſuch a work as the Spirit of Laws) of the conſtitution of France as to the aſſembly of the ſtates, their powers, origin, and proceedings. This is a matter fully ſupplied by the Abbé de Mably.

And, accordingly, I ſhall now proceed ſhortly to ſtate his ſyſtem.

In ſome reſpects he differs from Monteſquieu. In more reſpects he confirms what Monteſquieu has ſaid.

ſaid. Perhaps, before giving the Abbé de Mably's theory, it may be proper to ſpeak of the Abbé de Mably's character.

His authority ought to be unexceptionable to the democratiſts. I uſe only the word *unexceptionable* now; a ſhort time ago I ſhould have ſaid reverenced and deciſive. It was once propoſed by theſe men, that his *apotheoſis* ſhould be performed; and that the name of the Abbé de Mably ſhould be inſcribed in the liſt of the DEAD MEN DEIFIED, whoſe worſhip, in the ſuperſtitious irreligion of France, is now to be put in the place of the exploded worſhip of God Almighty. I cannot poſitively ſay, that the wiſh was not executed. However, I rather think not; at leaſt I do not remember of its being done. He ſleeps (as I imagine) yet peaceably in his grave; nor have the democratic reſurrection-men untombed his corpſe, that it might again be inurned with the canonized bones of Arouet, in the church of Saint Peter and Saint Paul, now thus ſtrangely reconſecrated, at Paris; in this new capital of the new religion of atheiſm. As the zeal of the new votaries increaſed, their ſuperſtition becoming more dire, could worſhip only the demons of evil. Accordingly, the bones of the Abbé de Mably, "hearſed in death, have not burſt their cear-"ments;" nor has his name been conſecrated to pollution and infamy, in the temple of French idolatry. He will not be invoked, in the hour of murder, by the aſſaſſin who ſharpens his knife for

blood. He has eſcaped the ſavage devotion of the wooden idol, which, its gigantic ſides and limbs filled with human victims, was adored in old Gaul, and is now adored with more than even the old horrid worſhip, and ſated with more than even the old ſacrifices, in modern France.

I do not know enough of the Abbé de Mably, to ſay poſitively, and upon my word, that he was a good man. But aſſuredly I know nothing to the contrary. His writings are greatly inſtructive; and I think that he knew too much to have become a reforming philoſopher. Rouſſeau ſays, in his Confeſſions, that the Abbé de Mably could not have written the *Social Contract;* and I believe it. Should the Pariſians ever worſhip him, or if any of them yet ſwear by his name to any of their proceedings; I ſincerely hope, and, yes, I ſincerely believe, they ſwear, whether they think ſo or not,—*per improbaturum hæc Jovem!*

Much matter, and matter greatly important, is contained in the "Obſervations ſur l' Hiſtoire de "France." I ſhall touch the principal points, or endeavour to touch them; as I have done, or endeavoured to do, with the Spirit of Laws.

I ſhall firſt mention thoſe things in which the Abbé de Mably differs from Monteſquieu; next thoſe things in which they agree; and, laſtly, thoſe things of which the Abbé de Mably ſpeaks, and of which Monteſquieu does not ſpeak at all.

He differs from Monteſquieu chiefly in ſome particulars that regard the feudal holdings; their names,

names, their nature, and their changes. The bottom of the matter is the ſame in both. What is different follows here.

It is neceſſary, however, to ſay that the Abbé de Mably ſeems often to think he has laid open ſome great error, where the difference is, in fact, unimportant, or ſlight, or altogether nominal. But it is not ſo always. That would be too much.

According to the Abbé de Mably, there were no fiefs under the firſt race; and he challenges as not only a miſtake, but an abſurdity, the poſition of Monteſquieu, that among the old Germans there were vaſſals and not fiefs. Is it not the fief, ſays he, that conſtitutes the vaſſal? And he proceeds to make other remarks not ſo well founded as this.

The Abbé de Mably gives to the grants of territory, by the Kings of the firſt race, the name not of *fiefs*, but of *benefices*. And their nature, he contends, were as different as their names.

The only obligation under which the beneficiary of the firſt race came, by receiving his grant, was, to keep ſacred the oath of fidelity, which he had taken before (according to the ſyſtem of the Abbé de Mably) in order to be admitted into the claſs of *leudes*. And it ſeems clear that this oath of fidelity to the King was neceſſary to be taken by every *leude*, who from this very matter had his other name of *antruſtion*; or who was hence ſaid to be *in truſte regis*, and bound to true and

faithful ſervice; in ſhort, to do nothing contrary to the intereſts of his ſovereign. No authority (the Abbé de Mably ſays) appears in the records of the firſt race, to countenance the opinion that the *leude*, upon receiving his benefice, bound himſelf by any new oath, or came under any new obligation, to the prince.

The beneficiaries, therefore, were not feudal vaſſals. Nor were fiefs and benefices diſtinguiſhable only in the duration for which they were held, or in other conditions of the grant; but from the ſervices which were due by the beneficiary and by the vaſſal.

The beneficiaries were not bound to military ſervice in conſequence of their benefices. All hiſtory proves, that to ſerve in war was no part of their particular duty; nor was it a burden impoſed, or a privilege belonging excluſively to them. Every citizen was a ſoldier; and he was obliged to go to war when he was commanded. The beneficiaries did not ſerve in war becauſe they were beneficiaries; but they were found in the field becauſe they were ſoldiers; as they were ſoldiers becauſe they were citizens.

This ſyſtem of the Abbé de Mably appears to be more correct than that of Monteſquieu in this matter. Or, indeed, it is the very ſyſtem of Monteſquieu. Monteſquieu had ſaid before every thing that the Abbé de Mably ſays. But he had ſaid (or appeared to ſay) other things alſo.

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Monteſquieu does not deny the general obligation to military ſervice. He mentions it even in expreſs terms. The antient Gauls, by the teſtimony of Cæſar, all followed to the field that leader who ſeemed moſt worthy to conduct them. So did the antient Germans, by the teſtimony of Tacitus. The inhabitants of France were either Germans or Gauls; or they were Romans long practiſed in the inſtitutions of Gaul; and the French nation under the firſt race were not in thoſe circumſtances, ſo as either to love war leſs as an employment, or to find it leſs neceſſary as a means of defence. The whole nation therefore (like their anceſtors) went to the war.

The freemen too (*les hommes libres*) performed military ſervice. This Monteſquieu tells us himſelf. Theſe freemen, however, though giving military ſervice, were ſo far from being vaſſals, as to be the very oppoſite of vaſſals. They are ſtated by Monteſquieu as the oppoſing balance. The performance of military ſervice could not thus well be conſidered as a conſequence of the benefice; but on the contrary, was a conſequence of the general character and inſtitutions of the nation. It is certain that the beneficiaries did not excluſively perform military ſervice. This was given by all. It is on the ſame account to be concluded, that the benefice was neither held under the condition, nor given for the performance, of this ſervice.

In fine, the Abbé de Mably ſays, that Monteſ-

quieu has confounded, (by conſidering as in one view, and comprehending under one name, the inſtitutions of different times) *ſeignories*, *benefices*, and *fiefs*; and that he has, in other reſpects, ſeparated things in themſelves united.

And the Abbé de Mably complains with ſome reaſon, that Monteſquieu quotes capitularies of Charlemagne, Louis le Débonnaire, and Charles-le-Chauve, when it ſhould be Gregory of Tours, and ſome charter or law of the Kings of the Merovingian line.

Not that Monteſquieu does not quote theſe alſo, ſo far as they exiſt; but he quotes the others to prove what theſe ſhould prove. And he even quotes ſo very far down as the eſtabliſhments of St. Louis.

Altogether, the Abbé de Mably, on this ſubject, ſays, that the benefices of the firſt race only gave occaſion to Charle-Martel to give theſe grants of land, under the burden of military ſervice, which were afterwards called fiefs; and that theſe, making conſiderable progreſs by means of the troubles which ruined the ſucceſſors of Charlemagne, became the general, public, and political law of the nation.

It is a curious enough thing which the Abbé de Mably mentions of the early Franks, in the firſt race. Theſe rude conquerors had ſcarcely ſettled in the country, when they adopted, from the Roman law, what he juſtly calls the ſalutary doctrine of *preſcription*. Perhaps Mr. Camus may think this an additional argument againſt the doctrine.

I cannot well ſay what has made me place this here ;—but I return to my ſubject.

It may be right to mention the exact point of difference betwixt the Abbé de Mably and Monteſquieu. It appears to be this.

The *leudes*, *fideles*, or *antruſtions* of the Abbé de Mably, are thoſe, who, for ſome ſignal act of courage, or other deed of merit and renown, were drawn out of the common claſs of citizens, and, being admitted to ſwear fidelity to the Prince, entered by this means into a higher order, acquired a perſonal nobility, and enjoyed peculiar privileges. Theſe privileges conſiſted in occupying a diſtinguiſhed place in the general aſſemblies of the nation; in being intruſted ſolely with the charge of the public adminiſtration; in forming the permanent council of the ſtate, or that court of juſtice of which the King was preſident, and which was a court of appeal from the ſentences of the Dukes and Counts*; in having the Prince for judge in their own differences; and in a higher compoſition (offences and even crimes were then ſo redeemed) being exacted for any injury done to them, than was paid, in like caſes, to the other citizens.

The times degenerated; and the leudes degenerated alſo. The richeſt or the moſt ſupple were admitted into that order; not, as before, the moſt valiant and the moſt noble-hearted. Slaves, juſt diſmiſſed

* The Abbé de Mably uſes both theſe names. It is of no importance to my ſubject to conſider that matter.

diſmiſſed from the laſh of their maſter, on whoſe ſhoulders the habit of freedom yet ſat aukward, were elevated to the dignities of this perſonal nobility. A javelin or a ſword had rewarded the followers of Clovis. The *leudes* of thoſe times, which ſaw the race of Clovis haſtening to decay, received the more ſolid liberalities of the *benefice* or *fiſc;* that is, portions of the domains of the ſovereign; and theſe names, ſignifying this (the ſame) thing, and uſed indiſcriminately in the old monuments, are what modern writers have done wrong in confounding with thoſe poſſeſſions called *fiefs*.

Thus the Abbé de Mably; and who goes on.—

The leudes daily enriched the King; and they daily pillaged the King. They increaſed his power to ſhare his power. His oppreſſions were their revenue. He took from others to give to them. The Gauliſh leudes (the Abbé thinks) were the worſt. They knew what the Roman Emperors, or the officers of the Emperors had done, by tradition from their fathers, or ſome by their own remembrance; and they recommended refined modes of oppreſſion, which the barbarous Frank could neither contrive nor conceive. The Franks had inſolence and brutality enough; but ſomething more than inſolence and brutality was neceſſary, and ſomething more was practiſed. Theſe oppreſſions, and this injuſtice of the leudes, at laſt produced an effect, which they did not look for. Some of the chief men of the nation, but at the

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ſame time not ſo powerful, nor ſo well with the court, as the tyranniſing leudes, thought they had a title to tyranniſe for themſelves; and aſſumed at once independency, and demanded ſubjection. The patrimonial *ſeignories* aroſe, which the lord held independent of all others himſelf; but to which he ſubjected (by the ſame claim of which he complained himſelf) all his weaker neighbours*.

Some ſeignories at the ſame time were, without any queſtion, the fruit of protection on the one hand, and of gratitude on the other.

The word ſeigneur was the ſame as *ſenior*; which laſt is the name found in the old monuments. It originally ſignified a leude who, *by his age*, was at the head of the councils of the nation.

The independent juriſdiction of theſe ſeignories was at length not only eſtabliſhed, but acknowledged.

The horrors of the times, in the decay and ruin of the power of the Merovingian race, are deſcribed by the Abbé de Mably. The ferocious vices of Germany, were joined to the baſe vices the Franks had found in Gaul. They committed, in cold blood, atrocities, which the fury of inſanity could not juſtify. The laws of humanity, and the rights of blood, were violated without remorſe.

* Monteſquieu holds the ſeignorial adminiſtration of juſtice to have been a part of the *old fiefs* (what the Abbé de Mably calls *benefices*); and to have been no uſurpation, but derived from the German cuſtoms of the Franks.

morſe. No manners even ſupplied the abſence of morals. Perfidy was held in high eſtimation; and neither kings nor ſubjects ſought to diſguiſe, or put any colour of art on their moſt dreadful enormities. If it was neceſſary to aſſaſſinate a man, they invited him to a feaſt. Marculfus has preſerved the ſtyles of letters, by which aſſaſſins, whoſe ſervice was needed, were put under the protection and ſafeguard of the law. The Abbé de Mably has a whole chapter to examine, how the French nation came not to be utterly deſtroyed in the anarchy of thoſe times.

It was after the death of Brunehault, in an aſſembly (in the year 615) held at Paris of the biſhops and leudes, (an aſſembly very different from the old aſſemblies of the nation, now no more) that the rights claimed by the ſeigneurs in their lands were finally and fully acknowledged; and the hereditary nature of the benefices eſtabliſhed likewiſe.

At laſt came Charle-Martel. The Merovingian princes (the laſt of whom were the nominal Kings of this celebrated Mayor) had alienated their own domains, now in perpetuity, to ungrateful leudes, bound by a general oath of fealty, which they never had fulfilled. Charle-Martel gave benefices of the conquered lands; but on other conditions; for ſervices domeſtic and military, from his ſoldiers, now called his vaſſals; while the poſſeſſions they

they held from him as their maſter, were the ſame as thoſe called afterwards fiefs.

Upon the death of Charle-Martel, the ſecond race commenced with his ſon Pepin.

The Abbé de Mably purſues his hiſtorical courſe; contemplates the vigour and policy of Pepin; the wiſdom and greatneſs of Charlemagne; the weakneſs of Louis le Débonnaire; the ruin of the old government under Charles-le-Chauve; the benefices and counties made hereditary; the riſe of the feudal government properly ſo called; the diſmemberment of the empire of Charlemagne; the fall of his houſe; and the acceſſion of Hugh Capet to the throne of the French nation. He does not ſay the ſame things with Monteſquieu, on the matters which Monteſquieu treats, in this long and intereſting detail; for the Abbé de Mably was no copyiſt. He does not differ (generally and at the bottom) from Monteſquieu; for the Abbé de Mably was no caviller. I need not to repeat here, therefore, the hiſtory of the ſecond race.

As little do I need to point out the differences betwixt Monteſquieu and the Abbé de Mably, as to the legal and conſtitutional hiſtory of the firſt race. The difference itſelf, from what I have juſt ſaid, and the importance of that difference, are both apparent.

From both, the concluſion is evident; that the original conſtitution of the French government was free; that it was a mixed Gothic monarchy; that in the barbarity of the times, as that conſti-

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tution was changed, the condition of the ſtate followed theſe changes, while the people ſunk under the evils which the changes produced; and that the hiſtory of the two firſt races diſplays at once the calamities and the bleſſings of ſtable and vigorous, of weak and fluctuating government. But the chief leſſon of all, to the people of France in our days, was the old freedom of their kingdom; of which they might exclaim, as the noble Padilla did of his renowned native city—*Free from the time of the mighty Goths!* with the reſolution to recover that freedom, to preſerve it, to tranſmit it; the former, with the ſpirit and the courage of their anceſtors; and the latter, with that wiſdom and ſteadineſs which did not belong either to the times of their anceſtors, or to their minds, or to their manners; but which, in the ſunſhine of the eighteenth century, and in the vigour and energy of the moſt populous and compact kingdom in Chriſtendom, ſhould now have ſo peculiarly belonged to Frenchmen. Inſtead of this, they have, in an age of light and civility, outdone the deeds of barbarity and darkneſs; and if any of them have ſtudied the hiſtories of thoſe times, it has been to teach and learn leſſons of maſſacre and blood; of ſacrilege, rapine, and murder; not to conſult at the old oracle of freedom, whoſe reſponſes were liſtened to by their anceſtors in their foreſts, and againſt whoſe voice they never wholly rebelled, even in the countries of their conqueſt; not even then

when their furrows ran with brothers' blood, ſhed indeed barbarouſly, but not upon ſyſtem; poured out indeed without meaſure, but not always without remorſe; the blood of vengeance, it is true, often of mercileſs vengeance, but of vengeance ſtill which was not utterly inhuman; unlike thoſe who murder in our days, as a matter of common occupation, and whoſe appetites are glutted hourly with men and women victims, in the human ſhambles of Paris.

It is a ſubject this, too afflicting for the mind of man; and it is neceſſary to haſten from it.

I have altered my deſign, in ſome meaſure, as to the view of the French conſtitution, in old times, to be given from the works of the Abbé de Mably. I cannot be ſo particular as I intended to be, in the view of the government and conſtitution of France under Charlemagne. I ſhall ſtate, however, ſome things concerning it generally. In what I am to mention, (generally alſo) of the French government and conſtitution under the third race. I ſhall, without any reference to them by name, along with the Abbé de Mably, uſe the other good authorities, ſome of which I have named, and others which I have not named; and from which the nature of the French government, during the whole progreſs of the monarchy, may be, without much difficulty, ſufficiently comprehended, by thoſe who at all wiſh to comprehend it;

it; or who think that any matters of hiſtorical fact are worthy of any inveſtigation.

A Frenchman of the name of M. Garat, publiſhed in the *Mercure de France*, of 6th March and 10th April 1784, a *judgment* (as they call it) or *review* of the work of Mr. Chabrit, which I mentioned formerly, upon the French Monarchy and Laws. There were two Garats, elder and younger, in the Conſtituting Aſſembly. I know not whether either of them was this reviewer. Neither do I know, whether either of them, (there are one or more of the name) or both, be among the reſident murderers in Paris. I ſhould wiſh not, with ſomewhat of earneſtneſs; for the review is exceedingly well written.

It is there obſerved, that the Abbé de Mably has placed, at the beginnings and very foundations of the monarchy, one of thoſe free conſtitutions, which appear to be the labour and the atchievement only of enlightened times; that, at the beginning of the ſecond race, he has placed a greater wonder ſtill;—Charlemagne;—a prince drawn by the pencil of Monteſquieu with traits of ſublimity, but who appears more wonderful ſtill in the repreſentation of the Abbé de Mably, who has not Monteſquieu's pencil. The abſolute monarch of the faireſt countries of Europe, he calls the nations, whom he might hold in chains, to the enjoyment of their old freedom. In France, before his own ſubjects, the throne itſelf does not riſe a-

bove

bove the majeſty of the aſſembled nation; the enſigns of royalty are there ſubmitted, like the conſular faſces before the Comitia of Rome. To theſe aſſemblies of the ſtate, the power is yielded of making laws; the royal authority is only uſed to acquire and communicate that information, which is neceſſary for making good laws. That their deliberations may be free, he does not take upon him to enter within their walls; or if, ſometimes, his preſence be neceſſary, of all his power, nothing enters with him, but the genius and the vigour of his mind. This picture, which might be miſtaken for the dream of ſome *Grecian* or *Engliſh* philoſopher, is ſupported throughout by expreſs texts of the barbarian laws.

Theſe are the words (at leaſt nearly the words) of this Reviewer. If he be the ſame man, who, by being a French legiſlator, qualified himſelf to be a French murderer, his teſtimony of this antient freedom is more valuable ſtill. If he be not the man, and if he be ſtill alive, I beg moſt earneſtly that he will forgive me. I am miſerably ignorant (that is as ignorant as moſt people have been all along of what was doing there) of the events in France ſince the tenth of Auguſt. But I certainly think there is ſome Garat among the fiends of Paris. If there be not, or if this be not the man, I requeſt again that he may forgive me.

He has ſaid all of the Abbé de Mably's account of the government of Charlemagne, that can well

be ſaid generally. I ſhall myſelf only ſay a very few things.

It is firſt to be obſerved (in caſe I have not obſerved it ſufficiently, or that ſufficient attention has not been paid to my having obſerved it before) that the Abbé de Mably holds the French government to have been free, not only in fact, but by its conſtitution, from the times of Clovis; that under him, and after him, the national ſtates met; that they were diſcontinued by the ſubſequent oppreſſions; at laſt were entirely done away and forgotten; while ſuch aſſemblies as that held at Paris in the year 615, and which, acting as national, inſulted the nation, had come in the room of the old freedom and inſtitutions of the times of Clovis. They were to be reſtored and dignified by Charlemagne.

In ſtating what was the conſtitution of France under this great Prince, I ſhall borrow the proofs of the Abbé de Mably, more than his narrative or language.

The Salic and Ripuarian laws, and the *ordonnances*, iſſued by the firſt Merovingian Kings, which have come down to our times, do not bear in their title the name of the King. Childebert, in the year 595, was the firſt who put at the head of an *ordonnance*, the following words:—"Chil-"debertus, Rex Francorum, vir inluſter." Theſe words were not long uſed; at leaſt with much power. From the fact, as antecedent to Childe-

bert,

bert, it is clear that the legiſlative power did not reſide principally with the King.

It certainly did not ſo reſide in the times of Charlemagne.

The following authorities, all belonging or referring to his times, are deciſive of this matter.

" Capitula" (it is ſaid) " quæ præterito anno " Legi Salicæ, *cum omnium conſenſu*, addenda eſſe " cenſuimus." Capit. an. 801. Again, " Genera- " liter omnes admonemus ut capitula, quæ præ- " terito anno Legi Salicæ, *per omnium conſenſum*, " addenda eſſe cenſuimus, jam non ulterius capi- " tula, ſed tantum lex dicantur, immo pro lege " teneantur." Capit. an. 821. art. 5. And ſtill again, " Capitularia patris noſtri, quæ *Franci* pro " lege tenenda *judicaverunt*." Capit. an. 837. And ſtill more than all, and in later times, but by the preſervation of the ſame principles, " LEX " CONSENSU POPULI FIT, ET CONSTITUTIONE REGIS."

There was a diſtinction betwixt the *laws*, properly ſo called, and thoſe *capitularies* which were ſimply *proviſional*, and which had no authority till confirmed by the aſſembly of the nation in the *Champ de Mai*. I ſhall not quote the proofs of this; reference is enough. Theſe *proviſional* capitularies were few in the reign of Charlemagne; more numerous under Louis le Dêbonnaire; and in the times of Charles-le-Chauve exceedingly common; in correſpondence, this, with the characters of the men and of the times; with the vigorous and ſyſ-

tematic, yet in ſome reſpects, (for much was to be reſtored) naſcent, government of the firſt; with the weak and decaying government of the ſecond; with the perſonal incapacity, and the total ruin to which France was haſtening under the government, (if he could be ſaid to govern) of the third monarch, who tranſmitted the title and the feebleneſs of king to ſucceſſors as impotent as himſelf; while, in the firſt, the ordinary legiſlature being ſufficient for its functions, the ſovereign found but few occaſions (in the intervals of their meetings) in which, even in a riſing conſtitution, it was neceſſary to interpoſe with his own immediate authority; in the ſecond, on the other hand, the legiſlature being enfeebled, by the enfeeblement of the monarch himſelf, his immediate interpoſition (as is always the caſe) became more neceſſarily frequent, as his authority itſelf, and the other conſtituent parts of government, became leſs naturally powerful; an enfeeblement increaſed by exertion; while, in the laſt of all, the royal power, as in the laſt ſtruggles, could keep itſelf from ſinking wholly, only by continually repeated, and by ſtill weaker, and ſtill more weakening, efforts of impotent activity; till it finally ceaſed and was gone. This view is literally according to the fact; and, in theory, it ought to undeceive thoſe, who imagine that the power of theſe ſovereigns, was deſpotic in proportion to the number of thoſe ordonnances

nances and conſtitutions, which went out in the name of the prince.

According to the French conſtitution, therefore, as in its vigour under Charlemagne, the capitularies, proceeding in the King's name, or from the King's authority merely, were not laws. According to the adminiſtration of the French government, as in the decay and fall of his weak ſucceſſors, ſuch capitularies were not laws neither. In the firſt caſe, they were not laws, becauſe the conſtitution was free. In the ſecond caſe, they were not laws, becauſe the conſtitution was gone. In the firſt caſe, they could be turned into laws, by the proper authority. In the ſecond caſe, there was no authority in the kingdom, to make them, or to make any thing elſe, laws. In the firſt caſe, having proviſional authority, they met with proviſional obedience. In the ſecond caſe, having no real authority at all, they were obeyed, or not obeyed, at pleaſure. In the firſt caſe they were, moſt completely, not indeed in origin and principle, but moſt certainly, as in effect, laws. In the ſecond caſe, their efficay was reſiſted, without any diſputes about their principle. In the firſt caſe, the name only was wanting. In the ſecond caſe, there was a name without a thing. They were not laws, in the free conſtitution, to ſtop in this way a claim of legiſlative (excluſively legiſlative) authority in the prince. They were not laws, that tyranny might be prevented. They were not

laws, in the enſlaved anarchic condition of France, in order by this means, and in their feebleneſs, to prevent all exerciſe of juriſdiction and authority over the force and violence of the domineering factions. They were not laws, that tyranny might be accompliſhed.

Theſe things are not ſaid, in preciſe words, by the Abbé de Mably, but they are founded upon what the Abbé de Mably ſays; and upon what is recorded or reaſoned upon by others, who, like the Abbé de Mably, had inveſtigated, with great learning, and great labour, and great intellect, the hiſtory and antiquities of France.

Our Engliſh antiquaries, on the ſide of freedom, (when it was thought that the ſide of freedom by this means acquired ſtrength) had employed their erudition and genius in proving the pedigree of our liberty, and carrying it back to the moſt remote antiquity; in producing "its bearings and "enſigns armorial, its monumental inſcriptions, "its records, evidences, and titles." Particularly, it was an univerſal article of this faith, that William the Norman made no conqueſt of England; that the repreſentation of the Commons was not to be held as introduced in times ſo late as thoſe of Edward the Firſt, or of Henry the Third before him; that, in the Anglo-Saxon times, this repreſentation was known and conſtantly practiſed; that the legiſlative authority belonged to the repreſentatives of the whole people, nobles,

nobles, clergy, and commons; and that, in one word, our conſtitution under the Anglo-Saxon race, was the ſame, only with the difference of a greater and ſmaller nation, as that enjoyed by us at preſent, with ſo much felicity and renown, and eſtabliſhed ſo glorioufly, by our nearer anceſtors, at the Revolution. I have certainly always been of this faith myſelf; and thought the reaſons for embracing it ſtrong, and even irreſiſtible. But my patriotiſm muſt notwithſtanding yield, that the matter is ſtill clearer with regard to France.

That the Commons formed a very principal part in the legiſlative aſſemblies of the French nation, is beyond all queſtion. The thing is raiſed up into evidence wholly inconteſtible by proofs accumulated upon proofs.

Of the aſſembly held at Nimeguen, (in the year 831) a Biſhop of Lyons ſays: "Ego Agobardus "Lugdunenſis Eccleſiæ indignus Epiſcopus, inter- "fui venerabili conventui apud Palatium quod "nuncupatur compendium. Qui ubique con- "ventus extitit ex reverendiſſimis Epiſcopis et "magnificentiſſimis viris illuſtribus, collegio quo- "que abbatum et comitum, promiſcuæque ætatis "et dignitatis populo."

I put down this example merely by chance. Had I any inclination to ſay it was done by deſign, I might ſay that the good biſhop, though his humility led him to mention his being the unworthy poſſeſſor of the See of Lyons, would have

had pride ſufficient to mention in terms of indignation and complaint, the preſence of the people of promiſcuous age and dignity, had it been an uncommon thing (as it was not; for it exiſted from the foundation of the monarchy) that the *tiers etat* ſhould ſit along with the temporal lords and clergy; and he would have paſſed the thing over altogether without notice, had they been only (as ſome of the Engliſh adverſaries of old freedom have moſt foolihly ſaid of ſimilar expreſſions, regarding our Anglo-Saxon times; as if, in ages like thoſe ages, multitudes of idle people left their homes to gape, as ſpectators, over the proceedings of an aſſembly of clergy and feudal lords; had they been only) a fooliſh and barren multitude, who came to ſtare at what they did not comprehend, and to witneſs proceedings in which they had no partnerſhip of counſel. But, perhaps, it is as good that I have nothing of this kind to ſay; and am laid under no neceſſity of ſaying it; for though the remarks are juſt enough, they add nothing to the weight of the evidence. He who reading this, ſhould deny that the *tiers etat* made a part of the aſſembly at Nimeguen, or ſhould maintain that honeſt old Agobard did not mean to ſay ſo, muſt be a man of very bad faith, or of very bad underſtanding.

I would do very wrong to fill this book of mine with authorities copied from other books. I content myſelf with ſaying, that it is a thing quite plain,

plain, that the Commons formed the third portion of the national aſſemblies of France. He who doubts of it, has no more to do, than to read on till he be convinced. And he will find that the authors he has to conſult, moſt amply reward the labour.

The conſtitution of France had a ſenate as well as an aſſembly of the nation. "Aliud placitum" (ſays a contemporary writer) "cum ſenioribus "tantum et præcipuis conſiliariis habebatur." The regular meetings of this ſenate were at the end of autumn. Its chief occupation was to prepare matters for the meeting of the aſſembly of the nation, in ſpring. The intereſts of the kingdom with regard to foreign powers were there diſcuſſed; treaties, and the ſubject of peace and war; the internal adminiſtration of the country; the cauſes of abuſes, and the means of their removal. Inviolable ſecrecy covered their proceedings; a ſecrecy which rendered vain the precautions of foreign powers, and defeated the intrigues of evil men at home.

The general aſſembly of the people was in the month of May. The aſſemblies of the nation in the time of the firſt Franks, diſcontinued and at laſt forgotten in the enfeeblement of the Merovingian line, had been held in the month of March. In this aſſembly all the orders of the ſtate came together; Biſhops, Abbots, Counts, Barons, and Deputies of the People. Here, likewiſe,

wife, and in a matter of great importance, there was a difference from the firſt times, and from the order obſerved in the early convoeations of the Franks. Every freeman living under the Salic and Ripuarian laws, had the privilege originally of coming to theſe aſſemblies, and in them he found his legal place. But when the Franks, mingled with the other tribes, who had the ſame common origin and inſtitutions with themſelves, were ſpread over the face of an extenſive country, it was impoſſible any longer to aſſemble in this way. Charlemagne eſtabliſhed repreſentation. Twelve repreſentatives, choſen in the body and among the moſt reſpectable of the people, came from each county, to protect their intereſts and dignity; inveſted with as high legiſlative powers as appertained to the other orders.

This legiſlative body, of which the King was a part, in the way of *ſanction*, not of *deliberation*, formed permanent arrangements for all affairs of ſtate, till the next year ſhould return. I call theſe eſtabliſhments permanent, becauſe they were never changed but on ſome unforeſeen event, and of a nature ſo important as to involve the general fortunes of the nation. Otherwiſe they ſtood as the law of the kingdom, till they were altered by an authority equal to that of the enactment. Sometimes the three chambers (all this is the account of a writer and ſtateſman who lived in the very times) which generally deliberated apart, aſſembled

bled in one body, to communicate the reſult of their ſeparate diſcuſſions, and to take common meaſures upon the communication. It could not be expected that, in thoſe early times, the meaſure of the ſovereign's interference ſhould be abſolutely fixed, or the manner of it wholly aſcertained. This has raiſed great doubts in more civilized times, and in recent occaſions. But the ſovereign never entered the aſſembly, unleſs when he was called; and to give his ſanction to their decrees. At ſuch times, inſtead of a ſimple negative or aſſent, the monarch might propoſe ſome retrenchment, or ſuggeſt ſome alteration. It was not in the ſpirit of the times to be critical and nice. It would not have done at all, when the people were to return immediately to the cultivation of their fields, or to face the enemies of the ſtate in battle, that they ſhould wait till a new bill was brought in, to ſupply the place of that which had been rejected. The alterations were ſuggeſted on the moment; and adopted or rejected on the moment. As among rude men things were done rudely; but as among wiſe men they were done wiſely; and, as among men who were free, with a ſpirit of freedom. Such was the practice of Charlemagne; and this was the law he delivered to his race.

France owed every thing to Charlemagne. I formerly mentioned that the Abbé de Mably had a whole chapter taken up in accounting for the French nation not having been ruined utterly, in the

the decline of the race of the Merovingians. Had it not been for Charlemagne, they muſt have been ruined under the ſecond race. This was inevitable, (the Abbé de Mably ſays) if this extraordinary man had not poſſeſſed virtue equal to his genius. All ranks in the ſtate were in that deplorable condition, which encourages, which incites, which (in ordinary minds abſolutely) compels ambition. It was in his power to enjoy and exerciſe power without bounds; and he had the knowledge and the ſelf-command to reject it.

In the ſituation of France, it would have been eaſy for this prince to humble all the ranks in the ſtate, each by means of the other; while the royal prerogative was raiſed above all controul, and aggrandiſed on their ruins. Inſtead of this eaſy taſk, he undertook and accompliſhed the mighty labour, of teaching a lawleſs people obedience, and of giving a ſervile people freedom: A taſk more heroically laborious, a more godlike toil, than what was undertaken at any time, or what is fabled or recorded of thoſe conſecrated names, who, living in the claſſic pages of antiquity, have come down to us as the firſt civilizers of mankind. The only thing in exiſting nature that could exceed it, would be to legiſlate at this day for that wretched kingdom; devoted now (but for the interpoſing goodneſs of Heaven itſelf, the matter paſſes all power of man!) to inevitable deſtruction. The firſt civilizers, ſome have thought, (and it has the authority of two

ſuch

ſuch names as Horace and Warburton) had to abolish a practice ſo dreadful, as that even of human ſacrifices. It is certain that this muſt be done, and done firſt,—*cædibus et VICTU FOEDO deterruit ORPHEUS*—by thoſe to whom the commiſſion ſhall be given (if ſuch reſtoration be in the deſigns of providence) to raiſe up again this fallen people to the rank of men.

On the ſubject of the French kingdom, in the days of Charlemagne, and the heroical abſtinence of that prince, I cannot refrain from quoting the Abbé de Mably's own words.

" It is not very difficult" (he ſays) " to remedy " the evils of a people, whoſe government has not " been wholly ſubverted as to the fundamental " principle of obedience and ſubordination; when " there ſtill ſubſiſts ſome ſort of legiſlative power, " or while at leaſt its neceſſity is yet acknow- " ledged; and while there is in this way ſtill ſome " common point of union, in which the ſpirits of " all men meet. Diſorders themſelves are then " uſeful leſſons; and ſome wiſe regulations, made " for the circumſtances and times, will ſufficiently " command obedience. But when the troubles " of a ſtate bring along with them the ſymptoms " of univerſal anarchy, of what importance then " is it to make laws, eluded by the weak through " cunning, and by the powerful violated (even in " the abſence of other motives) through pride. " Salutary as, in themſelves, ſuch laws may be,

" they

" they are in all caſes uſeleſs; in ſome, increaſe
" the evils they were meant to oppoſe. It is ne-
" ceſſary to reach to the ſource of theſe evils; and
" to eſtabliſh the neceſſity of obeying the law, be-
" fore the law is enacted."

" Many princes, in a ſituation ſimilar to that of
" Charlemagne, have thought abſolute power ne-
" ceſſary to effective legiſlation. They have em-
" bittered men's minds, and have encountered,
" by this means, more violent reſiſtance. In the
" event of ſucceſs, the ſpirit of the people has
" been broken; or, even with thoſe enlightened
" ſovereigns, whoſe knowledge taught them not
" to abuſe their power, the tranſient bleſſings,
" procured not by regulations but by force, have,
" under unworthy ſucceſſors, become the means
" of laſting calamity. Charlemagne, whoſe graſp
" was of futurity, as well as of his own times, did
" not wiſh that the happineſs of his age ſhould be
" bought by the miſery of ſucceeding genera-
" tions. He taught the French to obey the laws,
" by making them their own lawgivers."

I do not intend to make any commentary on the wiſdom of this paſſage. It is moſt ſincerely to be prayed for, that where ſuch wiſdom is poſſeſſed, (as that which the Abbé de Mably ſpeaks of in Charlemagne) there might be alſo, and always, correſpondent power; and that the power ſhould never exiſt without the wiſdom. Sometimes (notwithſtanding) the one is more neceſſary, and ſometimes

times the other. In the preſent times, the power of Charlemagne would be a greater bleſſing to France than his wiſdom.

I cannot well tell the reaſon of it (unleſs it be that it was the truth, though ſuch truths might have been concealed in conſiſtency enough with candour) but the picture given of thoſe properly (that is in the common uſe of language) called the *people*, in the French nation, has been generally moſt diſguſtful and ſhocking. We have ſeen what they were in the ending times of the firſt race. They are recorded to have been little better in the beginnings of the ſecond race. France had long been covered with blood and darkneſs. The glory of Charlemagne aroſe upon this darkneſs; and even after his orb was entirely ſunk, a ſort of twilight (the remains of his great illumination) was ſpread for a ſpace over France. At laſt this alſo was ſwallowed up in the womb of thick ſubſtantial night.

Yet before leaving the age of Charlemagne, the *provincial aſſemblies* muſt be mentioned likewiſe. They were among his chief means for civilizing and reforming his kingdom. The government of France by this man, and its conſtitution under him, were wonderful.

The reaſon of theſe inſtitutions, I muſt alſo ſtate in the words of the Abbé de Mably.

"The French were as barbarous" (he is ſpeaking of the mere people) "and more wicked than

"when

" when they firſt ſettled in Gaul. Accuſtomed to
" be the ſport of their paſſions and of events,
" without foreſight or fear, they knew neither in
" what manner they ſhould begin, nor by what
" principles they ſhould conduct plans of reform-
" ation. The general aſſemblies of a great king-
" dom are not fitted to enlighten it. Every thing
" there is ſeen in a point of view too vague, too
" confuſed, too ſummary as it were, and too in-
" determinate. Charlemagne was afraid, and with
" reaſon, that the laws might be without efficacy
" at their very birth, or might fall inſtantly into
" neglect, if he did not make it neceſſary for his
" ſubjects to know themſelves their own wants,
" and to know them in detail." From theſe mo-
tives he was led to the formation of the eſtabliſh-
ments I am now to mention.

The country was divided into different diſtricts, or *legations*; of which each contained ſeveral counties. Certain officers, to the number of three or four, called Royal Envoys, (in Latin *Miſſi Dominici*) were charged with the government of each legation, and obliged to viſit it with care, from three months to three months. The capitulary ordaining this, I have placed in the Note *.

Beſides

* *Volumus propter juſtitias quæ uſquemodo de parte comitum remanſerunt, quatuor tantum menſibus in anno Miſſi noſtri legationes noſtras exerceant, in hieme, Januario, in vere, Aprili, in æſtate, Julio, in autumno, Octobrio; cæteris vero menſibus unuſquiſque comitum placitum ſuum habeat, et juſtitias faciat.* Capit. 3. ann. 812. art. 4. There were many other capitularies.

Beſides this, every year, theſe ſuperintendants or public cenſors held, in their ſeveral provinces, aſſemblies of the provincial ſtates, conſiſting of all the different orders in the department, and among the reſt, of the heads of the hundreds, and of the magiſtrates of cities. In theſe provincial meetings, modelled upon the plan of the aſſemblies of the nation, the affairs of the department were conſidered, and the neceſſary meaſures adopted, with the ſame ſolemnity and free deliberation, as in the great aſſemblies themſelves. The envoys reported to the King, and to the nation, through the organ of its repreſentatives in their annual legiſlature, the condition of the provinces, their wants, their wiſhes, their reſources, and their grievances. In the whole extent of the monarchy, no place thus was hid from the legiſlative eye, nor could any thing eſcape the legiſlative coercion.

Chabrit has alſo ſpoken of theſe aſſemblies of particular ſtates. I ſhall give his account, which is very ſhort, in his own language.

" Il arrive quelquefois que la déliberation n'in-
" tereſſe pas tout le royaume, et alors on aſſem-
" ble des états particuliers."

" Le droit Romain et la langue de nos provinces
" du midi, le droit coutumier et la langue de nos
" provinces du nord, firent admettre une diviſion
" du royaume en pays de droit écrit et de langue
" d' Occitaine ou d' Oc, et pays de coutume ou

" de France et de langue d' Oil; la ligne indiquée
" par la Garonne depuis ſon embouchure juſq'aux
" bec d' Ambés, et par la Dordogne, faiſoit la ſe-
" paration des deux langues; chaque langue avoit
" ſes états, qui étoient convoqués par des commiſ-
" ſaires du Roi à la maniere des états generaux, et
" qui opéroient de même."

" Enfin il y en avoit tres-ſouvent d'une ſeule
" province, d'un ſeul bailliage; et c'eſt dans cette
" forme qu'on adminiſtre encore quelques-unes de
" nos provinces, et qu'on a toujours procédé à la
" reduction de nos coutumes."

The authorities cited by Chabrit are unqueſtionable; being the *ordonnances* themſelves by which theſe things were done. I believe there are many who think, that the provincial aſſemblies of the ſtates in France originated, all of them, from theſe provinces, once independent, retaining ſome ſhare of that old independency. It is plain that the thing was otherwiſe; and we ſee its origin here. The ordonnances quoted by Chabrit, too, are of the third race; ſo that this conſtitution of Charlemagne was reſtored with the reſtoration of the monarchy. How minute muſt the attention of government have been, how eaſy redreſs for the ſubject, when (and this alſo under the third race) there were deliberative aſſemblies of bailliages!

I do not know whether there was any other body as ignorant as I was; but till I read Chabrit (now ſome years ago) I did not know how a particular

ticular province in France came to be called Languedoc.

The great advantages of theſe leſſer aſſemblies, the public and private bleſſings of which they were the cauſe, are thus mentioned by the Abbé de Mably.

" La nation entiere avoit les yeux continuelle-
" ment ouverts ſur chaque homme public. Les
" magiſtrats, qu'on obſervoit, apprirent a ſe reſ-
" pecter eux-memes. Les mœurs, ſans leſquelles
" la liberté dégénére toujours en une licenſe dan-
" gereuſe, ſe corrigerent; et l'amour du bien pub-
" lic uni à la liberté, la rendit de jour en jour plus
" agiſſante et plus ſalutaire."

I muſt put an end both to further remark and further quotation. It is apparent, what ſort of conſtitution was enjoyed by the French in the times of Charlemagne. Except the feudal variations, no change in the *conſtitution* itſelf took place under his ſucceſſors; but the government was *adminiſtered* with the utmoſt *weakneſs*, and, therefore, was conducted frequently with the utmoſt *tyranny*. Theſe things are reciprocal; and when I ſay, that the government of the ſucceſſors of Charlemagne was the feebleſt perhaps at any time known in the world, I ſay at the ſame time that it was the moſt oppreſſive and tyrannical.

It will neither be required, nor expected of me, that I ſhould wade through the night of Europe; ſhould grope my way in that darkneſs which co-

vered the nations, not long after the death of Charlemagne. The ſame obſcurity ſettled on France, as on the other countries.

Yet I have always been far from thinking that this darkneſs of Europe (during the time it laſted; not long neither, in its thickeſt gloom) was ſo great, as many have believed, and many have written. The monuments of the times are in direct contradiction to it. There was not only light, but ſometimes great light; and it ſhone upon France as ſtrongly, and ſteadily (indeed much more ſtrongly, and much more ſteadily) than upon any other European nation.

Sufficient monuments yet remain, to prove that in France the conſtitution of her government, as I have deſcribed it, was never eſſentially, or in principle, changed, during all the confuſions, all the public and private wars, all the oppreſſions, all the follies and the crimes, of rude, and barbarous, and dark ages. I ſhall ſay nothing, however, of what took place in France till the reign of Louis le Gros.

I formerly mentioned, that the Abbé Dubos carried the origin of the free cities and corporations in France to a very great antiquity; while he finds in the ſenatorial magiſtracies of old Gaul, the councils and magiſtracies of later times, or the modern *communes*. I ſhould write a diſſertation, were I to enter upon this ſubject. Many ſcattered remarks (but excellent remarks) on this matter are to be found in the work I formerly mentioned

tioned—*Les Origines*. The Abbé de Mably treats the opinions of the Abbé Dubos, all along, and here as much as any where, with very great contempt. Certainly whatever was the caſe as to Gaul, and however antient, in the dominions of the Franks, cities and corporations may have been, yet their reſtoration, as to ſome, or their creation, as to others, belong to times later than the acceſſion of the third race; or to ſpeak more accurately, or, at leaſt, more according to my own opinion, in the darkneſs, and confuſion, and diſorders of the times, common to France with the reſt of Europe, the old ſyſtem, partly Roman and partly Gothic, being wholly done away, the privileges given to cities, and the charters upon which their rights are founded, though it might make them no better than they were of old, yet were granted (at leaſt generally) without any acknowledgment of antient right, received (at leaſt generally) without any reference to antient right, and, moſt unqueſtionably, would have been beſtowed (as they were beſtowed) whether there had been any antient right or not; or even had the matter, in former times, been quite the contrary to any claim or any practice of ſuch ſort or nature. Things were conſiderably different in England; of which it is not my buſineſs here to tell the cauſes. The Abbé de Mably maintains that the *communes*, (ſuch as they now exiſt, I mean three years ago exiſted, in France) firſt began to be eſtabliſhed in the reign

of Louis le Gros; that is, eſtabliſhed by the authority (excluſively claimed, and exerciſed excluſively) of the monarch himſelf. For the Abbé de Mably does not deny, that many cities might, before that time, have erected themſelves into corporate bodies; that, in this way, they obtained afterwards charters of confirmation; that others had been erected within the domains of particular feudal lords; that theſe might afterwards be confirmed alſo; nor in ſhort, does he deny any thing, except the alleged facts, that the burgeſſes enjoyed their privileges in an uninterrupted courſe from the antient Gauls; and further maintains that, as they exiſted in our days, the *communes* were inſtitutions comparatively modern, and which owed their origin to cauſes of peculiar operation at the period of their eſtabliſhment. Louis le Gros commenced his reign in the year 1108.

After the times of Hugh Capet, things began in France to go the ſame train as before. This prince aſcended the throne of France, on the third day of July, in the year 987. Conſiderably more than a century thus intervened betwixt him and Louis le Gros. The feudal chiefs had, during all that period, been encroaching on the powers of the crown. Among all their rights, (that is, among all the things they claimed and exerciſed) their own territorial juriſdiction, exerciſed excluſively and in oppoſition to the King, was the greateſt engine, and main ſupport of their power.

It

It was a ſingular anſwer made by Adelbert, Count of Perigord, to Hugh Capet, and his ſon Robert, whom his father had aſſociated with him in the royalty. *Who made you Count?* ſaid the two ſovereigns. *Thoſe*, replied Adelbert, *who made you Kings.*

For a conſiderable time, there was a balance of forces, which kept together the component parts of that power by which the French nation was governed. Yet even while this balance was leaſt unequal, the many independent vaſſals, (a truth and a contradiction) ſome of whom, individually, nearly reached its level, and who, as a common body, overtopped the throne, rendered government, at the beſt, inſecure, and often (in their diſunion always) oppreſſive. Louis le Gros had excellent miniſters; among others the celebrated Suger. The power of the crown was conſiderably recovered in his time.

I ſhall ſtate what was done in this reign, in the words of the Preſident Hénaut.

" Cependant ce fut ce prince qui commença à " reprendre l' autorité dont les vaſſaux s' etoient " emparés; il en vint à bout, *ſoit par l' établiſſe-* " *ment des communes*, ſoit par l' affranchiſſement " des ſerfs, ſoit en diminuent la trop grande auto- " rité des *juſtices ſeigneuriales:* à la verité ce fut " moins l' ouvrage du roi que celui des quatre fre- " res Garlande et de l' Abbé Suger, ſes princi- " paux miniſtres. Par rapport à l' article de la

" juſtice, voici comme on parvint à s'en ſaiſir, " tant ſous ce regne que ſous les ſuivans."

" On envoya d' abord dans les provinces, des " commiſſaires, appellés autrefois *Miſſi Dominici*, " et depuis *juges des exempts*; ils eclairoient de près " la conduite des ducs et des comtes; ils recevoi- " ent les plaintes de ceux qui en avoient été mal- " traités, et dans le cas ou ils ne jugeoient pas " eux-memes, ils les renvoyoient aux grandes aſ- " ſiſes du roi, qui etoit le parlement, appellé dans " les capitulaires de Charlemagne *Mallum Impera-* " *toris*."

" Enſuite nos rois créerent ſucceſſivement qua- " tre grands Baillis dans l' étendue de leurs do- " maines, leſquels par l'attribution des *Cas Royaux*, " devinrent ſeules juges d'un grand nombre d' af- " faires, à l' excluſion des ſeigneurs particuliers; " ces memes baillifs étant devenus trop puiſſans, " on donna à leurs lieutenans le droit de juger en " leur place. A cet exemple, le roi obligea les " ſeigneurs de céder auſſi l' exerciſe de leurs juſ- " tices a leurs officiers. Enfin les appels de ces " juges de ſeigneurs devant les juges royaux, ache- " verent de détruire le trop grand pouvoir des juſ- " tices particulieres; *auſſi*, dit Loyſeau, *ce droit* " *de reſſort de juſtice eſt-il le plus fort lien qui ſoit* " *pour maintenir la ſouveraineté*."

It would have been a very long affair to have detailed all that happened in this progreſs; and the facts would not have been ſufficiently authenticated by my own affirmation alone. It was at once

once for the ſake of brevity and authority, that I have quoted theſe paſſages from the Preſident Hénaut. Yet with all his accuracy and abilities, the Preſident Hénaut is a ſafe antiquarian guide only in facts: I mean, ſo as to be perfectly and implicitly truſted. He had not taken thoſe great and enlarged views, which can alone render theory ſecure; and he, therefore, reſts, as in this caſe men ought to reſt, in the common and generally received opinions. It is evident that this remark (though it was neceſſary to be made) does not diminiſh the authority of the preſent quotation.

By the means mentioned here, (and which conſiſted chiefly in reſtoring old inſtitutions) the people acquired more freedom and ſecurity; and the crown was enabled, by giving protection, to command obedience. The oppreſſions (and there were many oppreſſions) which had taken place under the third race, were yet neither more in number nor in atrocity, than thoſe which had fallen upon the nation in former times. Indeed, they were fewer and leſs atrocious. This is a matter quite certain. With the confirmation of the feudal ſyſtem, a ſyſtem in itſelf of union, of mutual protection and gratitude, of ſtrong reciprocal attachment and affection; along with it, and with all the evils which began and increaſed, as that ſyſtem degenerated, a peculiar ſet of manners and ſentiments aroſe, and they continued long, which mitigated, or wholly removed theſe evils. And as theſe manners or ſentiments became leſs in

efficacy,

efficacy, the progreſs of other principles, derived from other ſources, had nearly the ſame effects; that is, as to mitigating or doing away the oppreſſions of feudal degeneracy; while the people became more powerful (as powerful as formerly) by regaining their old knowledge, and exerciſing their old induſtry, now more vigorous in many caſes, by being employed in new channels; and while the crown, its influence being ſpread more uniformly over the whole ſtate, came to be not only acknowledged, but felt, as the paramount power of the realm, every where, and in all its acts of whatever nature. During all this period, and in all theſe events, the conſtitution of France was ſtill the ſame. So was the conſtitution of our own country; ſo of Spain; ſo of every kingdom of Europe, which had received any permanent monarchical ſettlement; as moſt of them had done. But I am to ſpeak only of France. If there was tyranny practiſed, it was not that principles of tyranny were maintained; that the ſubjects were held to be ſlaves, or that kings were ſaid to be abſolute; it was not from enacting oppreſſive laws, conferring immoderate prerogatives upon the crown, or annihilating the rights of the people. The tyranny took place (as tyranny will do always) becauſe the times were dark and ignorant, (when I ſpeak thus, I wiſh always to be underſtood as ſpeaking of a period of no great duration) the people untamed and lawleſs, the principles of government little underſtood, its authority

rity little acknowledged, and its duties little practiſed; the tyranny took place, not becauſe the conſtitution was overthrown, but becauſe its nature was not comprehended; it exiſted as unimpaired as it had ever done, and the laws of its eſtabliſhment remained unaltered; only, the people ſunk in ignorance, knew it not, and did not care for it. In ſuch times, perſonal qualities, the only inſtruments of power, were the ruin or the ſalvation of a people. In ſuch times, it is only abſurdity to talk either of tyranny, of liberty, or of government. They are all equally unknown in ſuch times. They all ſuppoſe ſomething (more or leſs) aſcertained, permanent, and ſettled. There was here nothing fixed, permanent, nor ſettled. Great liberty might be enjoyed; but it was caſual liberty. Great oppreſſion might be exerciſed; but it was oppreſſion which might be legally reſiſted. Nothing was taken away from the conſtitution; and nothing was done according to the conſtitution. Liberty was ignorantly enjoyed; and tyranny was ignorantly practiſed. From ſuch a ſtate of ſociety, the only concluſion we can draw, is, that nothing can be more abſurd than to draw any concluſions.

The barbarities of Europe have been much magnified, as I think, as well as its ignorance and darkneſs. There have been many cauſes for doing this in both ways. I do not mean to detract from the merit of the early ſcholars, who revived literature in the weſt. But their glory was much concerned

concerned in obſcuring all that had gone before them. And it cannot be denied that they were careful of their glory. In later times, the greater number (indeed almoſt every body) have been content to learn from them; if in fact, the greater number thought it neceſſary to learn any thing, about any former times. Moreover, the common run of faſhionable authors on matters of hiſtory and antiquity, and general philoſophical reſearch, have now for about a hundred years been telling the world, in at leaſt a hundred publications every year, that till they themſelves appeared among us there was no knowledge on this earth at all. The firſt ſcholars had ſome excuſe; for, repoſing on the newly found elegancies of claſſical times, they had been ſoftened into a delicacy and ſenſibility, which the roughneſs of coarſer knowledge irritated and pained. It was not always injuſtice in them; but often averſion. Such was the excuſe of learning and taſte. The excuſe of ignorance is not ſo eaſily made; nor am I, nor is any body, bound in duty to make it. Of *preſumption and ignorance* to make the excuſe, would itſelf be inexcuſable. Yet it certainly was the intereſt of the later writers, to ſpeak of the old times as ignorantly barbarous. It ſaved all ſort of trouble in giving any account of them; and it enhanced the renown of more modern perſons and times.

A very ſtriking example of the judgments paſſed upon the inſtitutions of the barbarians is given by

by the accomplished and admirable Gravina; and it is in his own person. This learned and liberal man could say, and in his own excellent and truly Latin language:—" Itaque Italia, majestate simul et legibus exuta suis, jugum imperii legumque subiit barbararum; dominaque rerum humanarum, sensu pristinæ libertatis veterisque magnitudinis, per longum ac vile servitium, privata, pro Romani splendore atque humanitate " juris, *belluinas*, *atque ferinas*, *immanesque* Longobardorum leges accepit. Et quas regiones jus " Atticum, in Romanos mores traductum, et ex " prisca omnium seculorum sapientia conflatum, " diu rexerat; postea usque ad Lotharii tempora " occuparunt Visigothicæ, Longobardicæ, Francicæ, ac Burgundionum PUDENDÆ leges, sive " potius BARBARICI INGENII LIBIDINES; quæ con" tinentur in codice inscripto *Corpus* legum antiquarum, appellatum vero a *Rotari* rege, qui " primus eas collegerat, *edictum*: ex quo jus Lon" gobardicæ dominationis tempore reddebatur." It is, however, of these laws that Montesquieu has said, that they were superior to the laws of the other barbarians; excellent as the other laws of the barbarians were. It is, however, of these laws that all who reverence the old liberty of Europe, (and the same is the case with all the other barbarian codes) should speak with admiration and honour. They are the source and example of our own free legislation. The same thing happened with the Lombards,

Lombards, as with the other northern nations. The PEOPLE LEGISLATED among them all. "The King of Italy," (ſays Mr. Gibbon) "convened the national aſſemblies in the palace, or "more probably in the fields, of Pavia: his great "council was compoſed of the perſons moſt eminent by their birth and dignities; but the validity, as well as the execution, of their decrees, "depended on the approbation of the *faithful* "people, the *fortunate* army, of the Lombards. "About fourſcore years after the conqueſt of Italy, their traditional cuſtoms were tranſcribed in "Teutonic Latin, and ratified by the conſent of "the prince and people; ſome new regulations "were introduced, more ſuitable to their preſent "condition; the example of *Rotharis* was imitated by the wiſeſt of his ſucceſſors, and the laws "of the Lombards have been eſteemed the leaſt "imperfect of the barbaric codes." And as to their government, the ſame author ſays, "The "ſucceſſion of their Kings is marked with virtue "and ability; the troubled ſeries of their annals "is adorned with fair intervals of peace, order, "and domeſtic happineſs; and the Italians enjoyed a milder and more equitable government, "than any of the other kingdoms which had been "founded on the ruins of the weſtern empire."

Whether this was the caſe, or whether, if it was the caſe, circumſtances of ſituation, rather than of government, were not the cauſe, (for taking government in the ſenſe not of *adminiſtration* but

but *conſtitution*, all the Gothic kingdoms of the weſt were the ſame) are matters not here to be inquired into. I wiſhed only to give an inſtance of learned, candid, liberal rage; for learned, candid, and liberal, was Gravina. What then was to be expected from ignorance, and vanity, and dullneſs!

But even theſe things I have mentioned, are not the chief cauſes of the reproaches thrown on the older times. They have ariſen mainly, certainly have been mainly propagated, from a wiſh to overturn claims of freedom, and juſtify the demands and practices of tyranny. And the way in which they were to ſerve theſe purpoſes, (and have ſerved) is very obvious. It was an engine formerly much wrought in France. Yet, by promoting inquiry and learned ſtudy, it defeated itſelf.

All the evils of ſuch a courtly and oppreſſive reign, as that of the monarch ſo unjuſtly called Louis the Great, were coloured over, and rendered in ſome ſort amiable, by contraſting them with the barbarities and groſſneſs of former times. When the hideous Gothic figures aroſe in the back-ground, the eye turned with complacency to look, if not to reſt upon, the more delicately flagitious proceedings of a palace, or the exerciſe of oppreſſion by ſome ſort of meaſure and rule. Liberty itſelf was held out as, at beſt, a rude, uncouth, diſguſtful ſort of thing; the enemy of refinement, and taſte, and pleaſure. But more was done than this

this ſtill, when all the former ages of Europe were deſcribed to have been one uniform ſucceſſion of barbarity, of mutual oppreſſions, and ſlaughter. The firſt kind of repreſentation was deſigned for the more inſtructed, who knew that liberty had been at leaſt claimed at times by their forefathers, and that the claim was tranſmitted to their children. As to the bulk of people, ſeeing nothing but gloomy and terrific forms in the obſcurity of old times, they congratulated themſelves upon the light which had chaſed theſe ſpectres away. Their preſent ſituation, compared with the horrors of old, could not be too dearly bought. They ſat down contented under tyranny itſelf, which, from the hiſtory of the ages that went before, appeared ſomething more civilized and human.

In this way, arbitrary power had not a ſurer prop than in the opinions ſo eagerly inculcated, and ſo generally received, of the dreadfully barbarous condition of old Europe. As it came gradually to be known, that Europe had at no time been ſo barbarous; they were obliged to work their engine in another direction; and to accompliſh by other means the ſame purpoſes.

When it appeared by the accounts of thoſe adventurous men, who had the courage to look back into the old times, to inquire who were the inhabitants, what the laws, the manners, the government, of antient Europe;—*qui tenerent, hominesne ferænè;*—when it thus appeared, that the tales of

monsters, and giants, and prodigies; invented or believed, for the purpose, or with the effect, of repulsive obscurity, were the fables of childishness or falsehood; when the gates of the temple of feudal science, unlocked and unbolted, gave a full view of its antique internal magnificence—*Tectum augustum, ingens, centum sublime columnis*;—when kingly splendour, military honour, religious grandeur, and popular power, were all displayed within its walls, inlaid with their emblematic decorations:

" Hic sceptra *adeipere*, et primos adtollere *fastis*
" Regibus omen erat: hoc illis *curia* templum,
" Hæ *sacris* sedes *epulis*: hic, ariete cæso,
" Perpetuis soliti *patres* considere mensis.
" Quin etiam veterum effigies ex ordine avorum
" Vestibulo adstabant: aliique ab origine reges,
" Martia qui ob *patriam* pugnando vulnera passi:—"

When all these hidden glories of the former times opened to the view of the inquirer, almost as soon as he had placed his foot upon the shore; when, as he advanced, and, while the genius of history unfolded the records, and heroical *fasti*, of Europe, he contemplated, in still brighter, and still more brightening prospect, those magnanimous times, before " Una fair *gan drop her prince-*
" *ly mien*," in which independence of mind claimed political freedom, and political freedom fostered independence of mind; in which noble feelings were the parents of noble actions; where grave

and ſober truth had conſecrated heroiſm, documented and authenticated in every part, in colours as vivid, and ſtrong, and ſplendid, as if ſhe had ſnatched the pencil of fancy, to call up fiction into the reality of life; when, in theſe times, he beheld (unleſs at intervals never long, and in circumſtances never univerſal) that oppreſſions were only the forerunners of vengeance, and that vengeance was always accompanied with reſtraining juſtice; that private virtues grew and flouriſhed in the ſoil of public liberty; that government owed its ſtrength to the affections of its ſubjects, and employed its ſtrength for their happineſs; that all the great principles of freedom and obedience were practically eſtabliſhed and ſufficiently known; that the boaſted ſcience of later times, neither in politics nor in morals, nor in the whole of the philoſophy of human life, ſurpaſſed the rude ſimplicity of feudal manners, and that if improvements have been made in the later times, there has been in the later times degeneracy alſo; when, taking in the whole proſpect under his eyes, theſe were the immediate ſenſations of the inquirer, the fruit of his obſervations, and what he was to communicate (and what was communicated) to thoſe who were formerly ignorant, and now wiſhed to learn what had been the hiſtory of the ages that went before them; and when, the darkneſs being now diſpelled, which had ſo long ſat upon it; this ground of antiquity began to be more commonly explored,

explored, and to be marked by many an inquiring footſtep; it then became neceſſary (and the work was eagerly ſet about) to maintain, not ſo much the barbarity, as the ſlavery, of the old feudal ages.

It was not altogether, or by any means an eaſy labour, this; but there were men found to undertake, and ſome of abilities ſufficient partly to perform it.

The main difficulty was to reconcile the barbarous lawleſſneſs of the times, with the legal ſlavery of the times. This was a conjunction wholly unknown and unrecorded: And the people employed in this buſineſs, could not even conceive, in imagination that ſtate of things, which has been in our days realized in France.

Accordingly it was found neceſſary, to white-waſh the diſmal walls of thoſe horrid caſtles, from which the feudal tyrants deſcended upon their prey. The power of the feudal chiefs, the extent of their independent dominions, their numbers, and their great importance as a component part of the government, were all leſſened. It would have been too much this againſt the throne. Yet ſufficient power was ſtill left to oppreſs the people; though it was taken away as to reſiſting the King. Upon the ſyſtems, which left to the feudal chiefs their power, that power was made to exiſt by a ſort of ſelf-origination, equally ſtrong againſt the people, as againſt the King; and this

not in particular times or cafes, but always and univerfally. And, by one fort of explanation or another, while it was abfolutely neceffary for them to allow that the people had arms in their hands, they yet contrived to fhew, that the people, in fome ftrange fort of way, made ufe of thefe arms to enflave themfelves.

But what was to be faid to the fhare of the people in the legiflation? it was fimply denied. They did not come to have any fhare, till very late times, and till much later times, their fhare was permiffive and infignificant. Here the evils of unfettled government and rude times were again brought forward. Could the people be free when fuch things were done?—as if every inftance of oppreffion or mifgovernment was an argument of conftitutional tyranny. Alas! then, we are not free ftill. As to the documents of antiquity, thefe they avoided with as much care as they could; and with great earneftnefs advifed others to avoid them. And what was their ufe, when the hiftorical fact proved that the King's power was abfolute?—always fo in right, by the public law; and at laft fo in fact likewife. Little, indeed, did thefe men and their employers know, that they were thus deftroying the authority of Kings; that the axe was thus laid to the root of all regal dominion; that, to fay the power of Kings had been hitherto abfolute, inftead of affording a claim of continuance, gave the right and the defire, and

created

created the means, to do that power wholly away.

The advocates of freedom knew nothing of the French rights of men; nor could they be driven to any thing reſembling them, even by this conduct of their adverſaries. They maintained ſtoutly and perſeveringly the old liberty; and the proofs of it were accumulated every day. It was upon ſuch grounds (and upon them alone, in my opinion greatly too much ſo), that Lord Somers, in his writings, greatly more even than in his ſpeeches, maintained the cauſe, and juſtified the meaſures, of our glorious Revolution. However, the old buſineſs was ſtill carried on in the old ſhop. It languiſhed daily. At laſt another ſet of men aroſe; and the trade began to flouriſh under another firm. Theſe men laughed at all genealogies and pedigrees of freedom. Was not the freedom of yeſterday, juſt as good as the freedom of a thouſand years? Was it not better? Nay, was it not certain, that the freedom formerly called freedom, was no ſort of freedom at all? Away with it! And no ſooner had theſe democratiſts (for *they* were the new dealers in this buſineſs) opened ſhop, than the cry of Reformation, which reſounded over Europe, bawled by their hawkers through every ſtreet, and ſtuck up in their advertiſing bills, in every place of public concourſe, was founded on and juſtified, authenticated and confirmed, by the ſame means and reaſons,

which had formerly been employed to juſtify the tyranny of Kings, and enforced in the ſelf-ſame ſtrains, which had ſo long formed the pious pſalmody of courtly devotion. Now more than ever, and with an energy never diſplayed before, the ſlavery of old Europe is held forth to contempt and indignation. Now more than ever, the abſolute power of European Kings is diſplayed and magnified. The new democratiſts have found their beſt allies in the old ſycophants of tyranny. Nor was it unnatural that this ſhould be ſo. I leave them to each other; and go on with my ſubject.

While the government of France thus began to be conducted again according to its old conſtitution, the aſſemblies of the nation again met in deliberation on national affairs.

I got a book, publiſhed at the beginnings of the French rebellion, which, from its title, ſhould contain ſomething, but does not contain much. Its title is, *Chronologie raiſonnée des Etats-Generaux.* It contains, however, a liſt of thoſe aſſemblies, from the laſt States General, in the year 1614, up to the reign of Hugh Capet. Among others, it mentions one held at Paris, by Louis le Jeune, in the year 1145. Many others are mentioned, under the ſucceeding princes; Philippe Auguſte, Louis VIII. Louis IX. and down to Philippe-le-Bel. It is at his times, that this matter becomes any way intereſting or important.

The French Kings, as the anarchy of the very dark

dark times ceaſed, began themſelves, and as of their own authority (although without making any claim in their own names, or ſeeking to tranſmit any to their poſterity) to make, as the occaſions required, certain general regulations, which, being productive of utility, were obeyed as laws. Something of this ſort was done (and he appears to have been the firſt) by Louis the Eighth. St. Louis, to whom France owed ſo much, carried this matter, with the beſt intentions, and aided by the reverence of his perſonal character and the love of his ſubjects, to a degree ſtill greater. At laſt, without any formal acknowledgment, or even any formal demand, the King was allowed to become the legiſlator, in many inſtances, of the nation.

This power of the King, however, (I ſpeak at preſent in the perſon of the Abbé de Mably) would not have been ſecure, in the hands of the after princes, had they not appeared to hold it of the people. Philippe-le-Bel, an able and judicious prince, by his example, gave a laſting eſtabliſhment to the States General. They were aſſembled in the year 1302; and it is diſputed by nobody, that the *Tiers Etat* made a part of them; and continued to do ſo ever afterwards. The only diſpute is, whether this was the firſt time. Even the Abbé de Mably is of opinion, that it was the firſt time; that is, the firſt time under the third race, after the loſs of theſe aſſemblies by the anarchy of

the dark times; nor does he think that any great advantage to the cauſe of freedom was obtained by their convocation. Nor am I inclined to controvert the Abbé de Mably's theory. It is enough, that the King thought his power inſecure without the concurring power of the nation. The meaſure of theoretical liberty I do not aſcertain. The actual liberty enjoyed, depended much on circumſtances and ſituation. The Engliſh invaſions of France began at this time; and they could not contribute either to the good public government, or to the private felicity of the French people. But let the liberty enjoyed be what it might, the people were an eſſential component part of the ſovereignty. I ſhall yield to the Abbé de Mably, that Philippe-le-Bel was a very different prince from Charlemagne; that the States General he held were unlike the *Champs de Mai* of his renowned and glorious predeceſſor; that the Frenchmen of theſe times knew nothing of Charlemagne or of his aſſemblies; perhaps were as ignorant as the French of the preſent day; but with all this, Philippe-le-Bel had in his reign the aſſembled ſtates, of the nobles, the clergy, and the commons; and every monarch after him, down to a reign fatal to France; the reign of Louis the Fourteenth.

The famous Chancellor De l' Hopital, ſpeaks thus in the Aſſembly of the States, held at Orleans: "We muſt not liſten to thoſe, who pre-
"tend that it is not becoming the dignity of a
"King

" King to call together his States; for what more " worthy of a King, than to render juſtice to his " people; and when can he do it more eaſily, " than when he gives to every individul the pri- " vilege of laying his complaints with the utmoſt " freedom at the foot of the throne, publicly, and " in a place where impoſture and artifice can have " no acceſs?" This language will not pleaſe ſo much now, as it did once. Not long ago in France a man would have been idolized by the people for theſe words. At the ſame time I moſt readily grant, they are not words ſufficiently expreſſive of liberty. They hold out the aſſemblies of the nation as a thing proceeding from the bounty of the King. This was not their old eſtimation. Yet it was not worſe in France than it was in England, before, at, and after, the ſame times. Such language was too much known in the times of the laſt Henry, of Elizabeth, and James. But it was not the law, neither in England nor in France. In France (to be ſure) things were haſtening on. They ſtopped with us in good time; though not without bad example.

I have overſhot chronology, however, a little; and I return.

*Non ego cuncta meis amplecti verſibus opto.* I cannot write the hiſtory of France, I come down to the reign of Louis the Eleventh.

" Car bientot apres cela," (ſays the Marquis d' Argenſon; that is, after the conſtitution of the States-

States-General in the manner they exiſted in the later times), " il n'y eut plus d' etats generaux du " Royaume, ſans le tiers etat, et par la ſuite, les " Députés étant tres nombreux, ils eurent autant " et plus de pouvoir que ceux du clergé et de la " nobleſſe; ces deux ordres ayant admis le troiſi- " eme à avoir voix deliberative comme eux."

" C'eſt véritablement à cette tolérance, que " commença l' epoque de la grande chute de la " nobleſſe et du pouvoir Féodal en France; l' ac- " croiſſement de l' autorité de nos Rois a fait le " reſte: ce qui nous prouve, quoiqu'on en diſe, " que la Démocratie eſt autant amie de la Monar- " chie que l' Ariſtocratie en eſt ennemie."

After France was recovered from the Engliſh, Charles the Seventh could do in his kingdom what he pleaſed. If the royal authority was growing great before, it reached its ſummit now. Charles had all the power of a conqueror, joined to all the attachment given to a lawful prince. It was eaſy for Louis the Eleventh, after him, with talents, and policy, and power, to accompliſh the deſtruction of an ariſtocracy, which came too near the throne. The grand fiefs fell one by one before him.

The ſucceeding reigns were reigns of foreign war; eſpecially the wars of Italy, that grave of Frenchmen. In this period, there were ſuch princes as Louis the Twelfth, and Francis the Firſt. The nation which they governed could not be

be unhappy. Yet France was gradually ceaſing to be free.

At laſt came the dreadful league; and its horrid times; its maſſacres and deſtruction; its heroiſm alſo, and valorous renown; for France in thoſe days ſtill produced men; men, even in the commoner ranks of life, followers as well as leaders. Yet during theſe times there were aſſemblies of the ſtates. They are mentioned in the *Chronologie Raiſonnée*, of which I ſpoke formerly.

By the bye, mentioning this pamphlet again, there is in it an account of the proceedings of the States-General, held at Tours, in the minority of Charles the Eighth, in the year 1484, together with liſts of the members who compoſed the three chambers. Among other enactments of theſe celebrated ſtates was the following:—

" Que toutes les tailles et autres équipollans " aux tailles extraordinaires, qui par ci-devant ont " eu cours, ſoient du tout tolliées et abolies, et " que déſormais, en enſuivant *la naturelle franchiſe* " *de France, et la doctrine de St. Louis*, qui com- " manda et bailla par doctrine à ſon fils, de ne " prendre ne lever taille ſur ſon peuple, ſans " grand beſoin et neceſſité; ne ſoient impoſeés ni " exigées leſdites tailles, ni aydes équipollans à " tailles, ſans premierement aſſembler leſdits trois " Etats, et déclarer les cauſes et néceſſités du Roi " et du Royaume, pour ce faire, et que les gens

" des

" des dits Etats le conſentent, en gardant les pri-
" vileges de chacun pays."

A record this of the freedom of thoſe times to which it belongs; and of older times likewiſe; very commonly repreſented as the ages of what has been called feudal ſlavery.

The murders in the time of the league (though merciful and few compared to our days) exhibit a ſhocking picture of the French populace. The hideous maſſacre of St. Bartholomew I do not mention. But there were individual aſſaſſinations; not wholly diſſimilar to what has been done, and is doing in France.

One mercileſs execution has been recorded by the pen of Gravina, ſo exceedingly like to thoſe of the preſent time, that I cannot abſtain from placing it here. It is of that great ornament of the Civil Law, Briſſonius; whoſe works and fame are ſo high, and ſo much valued, in its ſchools. After the enjoyment of ſeveral other dignities, and places of importance and truſt, he was appointed Preſident of the Parliament of Paris. What remains muſt be told in the language of Gravina.

" Mirum autem fuit in hoc viro, ut neque eru-
" ditæ juriſprudentiæ ſtudio a forenſi labore; ne-
" que hoc ab illo diſtraheretur. In forenſibus enim
" vacationibus, ad ſeveriora ſtudia juris antiqui,
" tanquam ad laborum levamen confugiebat;
" quodque aliis curarum ſumma fuiſſet, id erat
" homini laborioſiſſimo diverticulum. Utinam ve-

" ro

" to ſola literarum gloria contentus fuiſſet, nec ſe
" ambitione in popularem flammam calamitoſis il-
" lis Galliæ temporibus conjeciſſet! *Pariſinis* enim
" *tumultuantibus* adverſus regem, cum ipſe, colle-
" garum exemplo, abſceſſu ſuo, vim declinare po-
" tuiſſet; populari tamen auræ confiſus, manere
" decrevit in urbe: ſperabat enim ſeditionem illam
" præſentia, et auctoritate ſua, repreſſum iri. A
" qua ſententia nullis amicorum admonitionibus
" deduci potuit. Quamobrem lapſus in manus
" inimicorum, inque teterrimum carcerem con-
" jectus, vitæ miſerabilem nactus eſt exitum: tra-
" dituſque carnifici, extremas contumelias, ab in-
" ſolentiſſimis et efferatis hoſtibus, toleravit. Car-
" nifex vero initio ad tantum facinus exhorreſce-
" bat, clariſſimique Præſulis dignitatem adeo reve-
" rebatur, ut membris expaveſceret, brachiaque
" illius, dum necem tentarent, inſolito torpore
" corriperentur. Tandem, urgentibus inimicis,
" victaque metu reverentia, vi ſubactus carnifex
" celeberrimo viro, *de infelici trabe ſuſpenſo*, gulam
" laqueo fregit."

Another ſtriking likeneſs of thoſe times to theſe. The hangman of Paris ſeems then, as now, to have been the only man among them, who had any remains of human feeling.

The Preſident de Thou (whoſe Latinity does not equal that of Gravina) gives a very ſtriking repreſentation of the dangers that ſurrounded a man, who had abſtained from buſineſs and affairs during

during his whole life, but whoſe admirable learning and virtues rendered his recluſeneſs no protection againſt ſworn aſſaſſins, to whom ſuch qualities were the ſignal and incentives of murder. The great Cujacius died (as the Preſident de Thou ſays) of a broken heart; while he ſaw his ſteps tracked by murderers. "Verum, civilium bellorum fœda "ſuborta tempeſtate, cum vir, ut profeſſione, ſic "moribus, juris et æqui obſervantiſſimus, omnia "jura per factiones perverti, ingenuam libertatem, in qua adoleverat, corrumpi, candorem per "fucos, et deteſtandas in religione ſimulationes, "amitti, ſeque non jam muris, ſed parietibus in"cludi, neque tantum a ſceleratis obſervari, *ſed* "*ad cædem oculis deſignari*, videret, expetitam "longiorem vitam, ſi publico prodeſſe potuiſſet, "melioris deſiderio generoſe abrupit, et mœrore "confectus, optime meritam de republica animam "Deo, a quo acceperat, pie reddidit."

Theſe were dreadful times. But they have been exceeded.

Henry the Fourth was at laſt placed ſecurely on the throne of France. The nation reſted from its troubles; and was happy. What calamities might Europe have eſcaped, had there been a Henry of Navarre in our days!

An author who was young while Henry reigned, has deſcribed the ſenſations his government had impreſſed, in the following manner:—

"L'

" L'idée qui me reſte de ces temps-la me donne
" de la joie. Je revoie en eſprit la beauté des cam-
" pagnes. Des-lors il me ſemble qu'elles étoient
" plus fertiles qu'elles n'ont été depuis ; que les
" prairies étoient plus verdoyantes qu'elles ne ſont
" à préſent ; que nos arbres avoient plus de fruits.
" Il n'y avoit rien de ſi doux que d' entendre le
" ramage des oiſeaux, le mugiſſement des bœufs,
" et les chanſons des bergers. Le bétail étoit me-
" né ſurement aux champs, et les laboureurs ver-
" ſoient les guerets, pour y jetter du bled, que les
" leveurs de tailles et les gens de guerre n' avoient
" point ravagés. Ils avoient leurs meubles et leurs
" proviſions neceſſaires ; ils couchoient dans leur
" lit. On voyoit partout un propreté bienſéante.
" L'éloignement du grand monde n'abattoit point
" le cœur, et ne rendoit point la nobleſſe plus
" groſſiere. On entendoit des concerts de mu-
" ſettes, de flute, de haut-bois ; la danſe ruſtique
" duroit juſqu'au ſoir : on ne ſe plaignoit point
" comme aujourd'hui des impoſitions néceſſaires
" et exceſſives ; chacun payoit ſa taxe avec ſa
" gaieté. Telle étoit la fin du régne DU BON ROI
" HENRI IV. qui fut auſſi la fin de beaucoup des
" biens, et le commencement d'une infinité de
" maux, quand une furie enrageé ota la vie au
" prince."

There are allowances to be made for the pictures of childhood ; for what is remembered of thoſe fortunate years, that are fled never to re-

turn. No doubt, the fields wear a ſofter green to the eyes of infancy, and the vault above us ſmiles in a ſerener blue. Who can forget theſe days of opening life, gay, and cheerful, and innocent? or who remember them but as a delightful dream, filled with lovely ſcenes and proſpects! Man has to recollect the order he occupies by the ordinances of God, and his ſtation in the univerſe, before he can ceaſe to regret, that theſe days have paſſed over him, are for ever gone; and that nothing like them is in ſtore, in any after time, in all the future treaſures of our mortality: That the fairy wand of young fancy is never again to touch his eye-lids, that he may be viſited, in the innocence of repoſe, with viſions of gay felicity, and wake again to cheerfulneſs and peace. The heavenly forms of thoſe early years cannot be retraced in our memory, without raiſing great emotions. I willingly allow that ſomething muſt be given to the pictures we draw of them; the colouring may be too high for the reality; though it cannot come up nearly to our own feelings of the delirious felicities of theſe prime of days. Alas! how feeble is fancy afterwards; broken in her wings, and daſhed down to the earth, ſo frequently! or, with an ill regulated and unequal force, only teaching to man the double leſſon of the weakneſs and the ſtrength of his reaſon!

I, therefore, allow to the Abbé de Marollet ſome ſplendid and gayer tints, dwelling in his mind,

mind, and thrown with fond enthuſiaſm from the memory of early years, upon the picture of the reign of Henry the Fourth. It was natural. Yet what a reign muſt it have been, to furniſh this deſcription, and after ſuch dreadful times! What a reign, to make the happineſs of childhood, and the brilliant and laughing proſpects of opening years, be aſcribed, by natural feelings, to the public government! What a beautiful record of the times and of the ſoul of Henry the Fourth; of the prince, who expreſſed it as his firſt wiſh, to ſee a fowl in the pot of every peaſant in his kingdom; a ſentiment of homely benevolence (as Mr. Burke has truly ſaid) far ſurpaſſing all the ſplendid ſayings that are recorded of Kings! Under Henry, an aſſembly of the ſtates was held at Paris, (in the year 1593) where the reſolution was propoſed and carried by the Tiers etat, that the Pope had no claim of authority over the temporal ſovereignty of the realm.

In the reign of Louis the Thirteenth, the laſt aſſembly of the ſtates was held, (in the year 1614) that took place in France, till the convocation of the fatal aſſembly, which met in May 1789. A glance muſt carry me (were I to dwell on it, I ſhould write a hiſtory) from the one period to the other. Oh! for the pen of Monteſquieu! I could then deſcend, like Uriel, on a ſun-beam.

The reign of Louis the Thirteenth was the reign of favourites; and the characteriſtic of their poli-

cy (without this their policy would have had no marked character) was oppoſition, in every thing, to the maxims and meaſures of the former reign. At leaſt, this was the caſe in the beginning. The proceedings afterwards were in equal contradiction to the principles of the government under Henry the Fourth, but they were meaſures very decided and bold.

This King was born in the year 1601, on the 27th of September, and was crowned on the 14th of May 1610; before he was ten years of age. The States held in his reign, met when he was not fourteen. The paſſions of his mother, and the heats of the times; the diviſions of the great, court intrigues, and the fierce contentions of religion, agitated his whole reign.

When Rohan and Soubiſe were at the head of the Huguenots, in the year 1621, the civil wars ſeemed as if about to be renewed in all their old deſtruction. My partialities are all with that deſcription of men. I am a Preſbyterian born and bred, (educated in its ſtricteſt doctrines, and I am not ſorry for it) and I venerate the name. But I imagine there can be no doubt of the recorded fact, (the Puritans in England ACCOMPLISHED *their* purpoſes) that the Huguenots had formed the deſign of turning France into a republic. They had even divided it (in their plan) into *eight circles;* the ſeparate governments of which were to be committed to the chiefs of their party. The

cauſe

cauſe of the Huguenots was overthrown; and their plan periſhed with them. Under the dreadful inflictions of after times, (the eternal diſgrace of Louis the Fourteenth's ſavage reign) it was impoſſible that this cruſhed and undone people could raiſe themſelves up to any thing beyond the mere contemplation of their abſolute wretchedneſs. Gradually, in this century, they were bettered in their condition. Under the reign of Louis the Sixteenth, they were peculiarly favoured; and they found a powerful benefactor (amoug others) in M. de Calonne. They formed, at all times, in bondage or in freedom, a great proportion of the maſs of population in France. All their weight has gone (and it is a circumſtance which I have beheld with great pain) to the ſupport of the prevalent ſyſtem. Nor have I ſeen with leſs ſorrow, that while they outraged the political ſentiments of their forefathers, (whoſe republic was never the monſtrous thing of our days) they have wholly renounced their religion. Much am I afraid (I am ſure I do not wiſh to offend, but I am indeed much afraid) that the diffidence of religion in our days, is a diffidence only in politics. *Stat nominis umbra.* And it is not a wholeſome ſhade.

In this tumultuous ſtate of things which took place in France, there was no man of ſufficient power, or great enough of mind, to balance, or controul, the contending factions. Sully had been deprived of all political power, from the very firſt

days of the reign. Who was to ride in the ſtorm! There was placed at the head of affairs a favourite and a foreigner.

The Maréchal d' Ancre died moſt cruelly. I ſhall not, therefore, dwell upon his faults. He was murdered upon the pont du Louvre. His dead body was inſulted and abuſed by the mob. His lady was beheaded. It was thus he expiated the crime of having ſeven years governed France.

The Queen mother, whoſe inſtrument this Italian had been, retired in exile to Blois. The famous Richelieu, originally raiſed by the Maréchal d' Ancre, and at this time Biſhop of Luçon, had different places of baniſhment aſſigned him, and at laſt was placed in exile at Avignon. Theſe things happened in the year 1617. They put an end, for the time, to the civil wars.

The States General had been held more than two years before this time. I have, from the Advocates' Library, a very curious collection of pamphlets, publiſhed, all of them, during the ſitting of the States in thoſe days. Really, men do not differ much from men in any age. Theſe pamphlets in every thing; in petulance, in dulneſs, in vivacity, in wit; in ſtupidity, in raillery, in gaiety, in abſurdity;—ſometimes in ſerioufneſs, ſobriety, and malignancy, are juſt the ſame; diſplay nearly the ſame manners, and the ſame turn of thinking, the ſame political arts of ridicule and argument, or the ſame want of both, as are diſ-

played

played by the political agents of political parties in our days; only that the French were more heated, invoked vengeance in ſtronger terms, than is uſual in political quarrels, and approached ſomewhat—no, they did not even approach—to the atrocity of their nation in the preſent times. No man can read theſe pamphlets, without being convinced, that the States were underſtood to poſſeſs conſiderable power in the kingdom of France. Were not this book growing to ſuch a bulk, I intended to have given more than one extract.

A great authority ſpeaks, indeed, of the National States, as of much leſs importance. "I "ought to mention on this occaſion," (ſays the Preſident Hénaut) "that as we acknowledge in "France no other Sovereign than the King, it is "his authority that makes the laws: *Qui veut le* "*Roi ſi veut la loi*;" (an abſurd enough tranſlation of—*Quod Principi placuit, &c.*) "thus the "States General of the kingdom have only the "voice of remonſtrance and of humble ſupplica- "tion; the King defers to their complaints (*do-* "*leances*) and prayers, according to the rules of "his prudence and juſtice: For if he was obliged "to comply with all their demands, ſays one of "our moſt celebrated authors, he would ceaſe to "be their King; from this it happens, that during "the Aſſembly of the General States, the autho- "rity of the Parliament, which is no other than "the authority of the King, receives no diminu-

" tion; as it is eaſy to diſcern in the *proces-ver-*
" *baux* of theſe laſt States."

It is thus that the Preſident Hénaut ſpeaks upon occaſion of the States which ſat at Paris under Louis the Thirteenth, in 1614. The authority upon which the Preſident builds, (beſides his own) is a *Pleading* of M. Lamoignon, in the 1719. It is a text this, which, even to a little inventive mind, could never ceaſe to furniſh commentaries.

The Roman law, taken out of its place, and perverted in its principle; ignorance of what belonged to a Gothic king; of what belonged to a Gothic aſſembly; diminiſhing the King's prerogatives ignorantly; exalting them ignorantly; not giving, as of itſelf, the right of refuſal to the crown, and requiring, as of conſequences, the unlimited power of refuſal in the crown; the nameleſs confuſion of all thinking with regard to the ſubſiſtence of the King's authority during the meeting of the States; the placing theſe ſources of all legitimate authority, as adverſe to each other in exiſtence, as *naturally* deſtructive of each other in operation; *on this account*, the dark, undefined, and unprincipled, denial of the rights and powers of the States; the unmeaſurable claims which the States in this obſcurity might make; their unknown power; their aſſerted feebleneſs; the whole doctrine was bigger with ruin, than it was even pregnant of abſurdity; it diſgraced, and it endangered the crown and liberties of France. Yet it

was

was the doctrine of two great men; of Hénaut and of Lamoignon. How it came to be ſo, unleſs by the habit of looking only at things that now are, with a ſtupid ſettled gaze, and which takes away the faculty of even ſeeing things that are, is more than my philoſophy can gueſs at. Theſe claims for the King, however, when there were no civil wars, came to be very extenſively and ſilently admitted, as the law. When ſuch men, as thoſe I have mentioned, held the doctrines, in times near our own; it is certain that they could not hold them alone. Thoſe who differed with them (and this was what put the poor nation of France between the devil and the deep ſea) were, unleſs as to good and enlightened minds, naturally and neceſſarily at the Antipodes. Let it not, however, be thought, that the actual power of a King of France was equal to this conſtitutional claim. It was far otherwiſe. Unleſs from circumſtances, which would have given power to any other man, independently altogether of any other publicly veſted character, the Kings of France actually had little power. Perhaps, (indeed certainly) the claims made as conſtitutional for their Kings by the public lawyers, and held as inherent in their Sovereigns by the people, were made in a great meaſure from the plain perception of this actual want of power, which might have been *otherwiſe* (or ſo it was thought) ſo eaſily overthrown. It was not attended to, that feeble-

neſs, by claiming much, is enfeebled ſtill more; and that the weak ought to conciliate friends, not to create enemies; that out of extravagant claims are bred extravagant claims; and that the colliſion may be pernicious and fatal. It is an undoubted matter, that a King of France, *as King of France*, never had nearly the actual power and influence of a King of England. He had frequently much more *perſonal* power; held and exerciſed like all *perſonal* power; precarioufly and unjuſtly; ſo exerciſed, becauſe it was ſo held; and, from being ſo held, ſuch in itſelf, as great perſonal qualities, of ſtrong counteraction, could alone prevent (and not always prevent) being ſo exerciſed.

Beſides the General States, the Notables were alſo aſſembled under Louis the Thirteenth. No advantages accrued to the nation from the aſſembling of either.

" En ce tems là, dit Nani," (the times of Louis the Thirteenth) " l' Europe comptoit entre ſes " malheurs, la rencontre des trois jeunes rois, dont " elle avoit à dépendre abſolument; tous trois " trés puiſſans, tres ambitieux, et tres contraires " en intérêts, mais conformes en cela ſeulement, " qu'ils laiſſoient toute la direction de leurs af- " faires à la diſcrétion de leurs miniſtres: Riche- " lieu gouvernoit la France, Olivarés l' Eſpagne, " et Bouckingham la Grande Bretagne."

Under

Under the government of Richelieu in this, and in the next reign, much was done in France. " Enfin un favori" (ſays the Marquis d' Argenſon) " mieux choiſi que les autres répara ces deſordres; " et ſi nous prétendions prodiguer ſes louanges, " nous puiſerions aiſément dans l'abondante " ſource de cette ſpirituelle academie qui le re- " connoit pour ſon fondateur." The abilities of Richelieu who will deny? He humbled the houſe of Auſtria: He extirpated hereſy; and he broke for ever the nobility of France. Thoſe who look for his panegyrics, will find them aſſuredly in the place mentioned.

I do not mean to ſay that there were no remains of the French nobility. There are reliques, and noble reliques, at this day. *Reliquiæ Danaum atque immitis Achilli.* Perhaps, after theſe dreadful times are paſt, it may flouriſh again as of old. But the power of that body, and their chivalrous honour, was grievouſly cruſhed (and it has never completely riſen again) while Richelieu ruled in France. That kingdom, after his times, had indeed occaſion to lament, as the poet introduces Britannia lamenting the death of our Henry Prince of Wales;—

" Alas, who now ſhall grace my turnaments,
" Or honour me with deeds of chivalrie!—
" What ſhall become of all my merriments,
" My ceremonies, ſhowes of heraldrie!"

The

and when every thing foreboded that the ſucceeding reign was to riſe, though not in thick clouds and tempeſts like the laſt, yet in a heavier darkneſs than even now hung over the nation. Yet the gloom was not of that nature (and ſuch were the circumſtances of the times, and the habits of mens' minds in France) as to make Frenchmen look back to thoſe days of better omen, in which another order of things had taken place, and was attended with far other conſequences. They ſaw preſent calamity, and were ſore from recent defeat. They ſaw nothing more; and felt nothing more; and, inſtead of retracing old times, they threw themſelves with a ſort of blind impulſe forward upon futurity.

Under the regency, and under Louis the Fifteenth, things went the ſame train; only marked with leſs brilliancy and ſplendour. I am at our own days. But I muſt return for a ſhort time; and ſhortly to notice ſome matters, far from unimportant.

I have a pamphlet, intituled, "The Sighs of "France in Slavery, breathing after Liberty," in, what are called, four Memorials. They are ſaid to be *done out of French*, and are London printed, in the year 1689. The firſt Memorial is of the "Oppreſſion of the Church, of the Parliaments, "of the Nobles, and Cities," under Louis the Fourteenth.

The

The beginning of the firſt Memorial I ſhall put down here:—

" It ſeems a fond ſaying, that people are not " the leſs wretched for having ſeveral companions " in their miſeries, ſince it is certainly true, that " the heart ſuffers much more, when it ſuffers in " the midſt of all others who are happy. Among " all the goods, whoſe loſs we have reaſon to be- " wail, Liberty is, doubtleſs, of the principal It " is a hard matter to be a ſlave in the midſt of a " thouſand free perſons, without being concerned " at ones ſlavery: Wherefore France ought to rouſe " up itſelf, and feel the weight of the diſmal ſlavery " it groans under, conſidering the bleſſed liberty o- " ther neighbouring ſtates enjoy under their law- " ful princes, and in the poſſeſſion of their an- " tient laws: And the felicity England has newly " obtained, by ſeeing the fetters broken with " which it was upon the point of being ſhackled, " ought to revive and ſtir up anew, in the boſoms " of all good Frenchmen, love for their country, " deſires for the return of liberty, and the deſign " of ſhaking off the hideous yoke that reſts upon " their ſhoulders. We ſee all around us, the *Hol-* " *landers* enjoying a happy freedom; the *Flem-* " *mings* under the King of Spain's government " poſſeſſing their antient privileges; the *States* of " the *empire* living under a *head*, not in a condi- " tion to oppreſs them; the *free cities* in *Germany* " retaining the form of republics; the ſtates and

" provinces

" provinces ſubjected to the Electors and other
" Princes, baſking in the repoſe of their fortune,
" under a government mild and moderate: France
" alone, the fineſt country in Europe, the nobleſt
" part of the world, finds itſelf ſubjected to a ſway
" cruel, tyrannic; and to a power that ſets it-
" ſelf no bounds: A free people, and who have
" derived the name of *Franks*, or *Frenchmen*,
" from their antient liberty, are now under the
" greateſt ſubjection of all people, without except-
" ing thoſe that groan under the tyranny of the
" *Turks*. Now all freedom is loſt, even to that
" of ſpeaking and bemoaning: Wherefore I ſend
" my voice to foreign countries, in hopes it will
" return thence by reflection, and that it will a-
" wake anew my countrymen, who ſleep beſide
" me under the weight of their chains. With
" compaſſion do I view the cruel tempeſt where-
" with my country is menaced; I bewail the de-
" ſolation of its cities, the death of its children,
" and the loſs of what the tyranny of its govern-
" ment has left it remaining: I cannot forbear
" wiſhing it a recovery of *reaſon*, and *courage*:
" Of *reaſon*, that ſo it may apprehend that the pri-
" vileges of the people do not ſuffer any preſcrip-
" tion, and do not periſh by the uſurpation of the
" princes, and that thus an age or two of tyran-
" ny do not take away the right of recovering its
" liberty: Of *courage*, that ſo it may lay hold on
" the preſent circumſtances, the moſt propitious

" that ever were, for reducing the government of " the realm to its *antient form*, and to caſt off the " yoke of this deſpotic power, according to which " the *French* are treated with a harſhneſs unknown " to all the people who live under *Chriſtian* prin- " ces. With the intereſt of the people I cannot " forbear conſidering the intereſt of the Prince, " lawful heir to the throne, to whom the court is " going to leave a ſkeleton of a kingdom, and an " imaginary crown. That Prince in the cam- " paign of *Philipſbourg*, ſhewed himſelf not only " brave and prudent, but full of good nature: " He now groans at the infernal barbarities that " are exerciſed in the ſame places, where he had " exerciſed ſo much humanity; and we are aſ- " ſured, that he will much rather chooſe to reign " as a father under the *antient laws* of the king- " dom, than to command as a tyrant, that ſets " himſelf above the laws. Wherefore my deſign " is to perform theſe four things in this tract.— " 1. To ſhew the oppreſſion and tyranny under " which all the orders of *France* do groan, and " the miſery they are reduced to under a deſpotic " power. 2. To conſider, in the ſecond place, " by what means the Court of *France* eſtabliſhes " its yoke, and now upholds its abſolute power, " and the abuſe it makes of it. 3. We ſhall ſee " how much the preſent government of *France* " is different from that *under which the monarchy* " *was founded, and wherein it ſubſiſted ſo many* " *ages.*

" *ages.* 4. And laſtly, we ſhall examine by what " means the favourable circumſtances of the pre- " ſent time may be improved for the reducing the " *monarchy* to its *antient government.*"

Theſe were the objects of this pamphlet. To ſhew how he makes them out, would be to put into this work, the whole four *Memorials.* I ſhall mention only two other paſſages.

In the ſecond *Memorial*, which is concerning the oppreſſion of the *people*, the author ſays:— " After the *oppreſſion* of the Church, of the Nobles, " of the Parliaments, and the Cities, we muſt ſee " the oppreſſion of the *People.* IT IS FITTING " FIRST TO UNDERSTAND THAT IN THE PRESENT GO- " VERNMENT, ALL IS PEOPLE. Quality, diſ- " tinction, merit, and birth, are things no longer " known. The Royal Authority is mounted ſo " high, that all diſtinctions vaniſh, all lights are " ſwallowed up: For in the elevation that Mo- " narch has attained to, all Human Mortals are " but the duſt of his feet."

I am afraid that by another paſſage, I will convict the author of ariſtocracy, that cannot be pardoned, and from which his doctrine of *the impreſcriptible rights of the people* will not even ſave him. Speaking of the French nobility it is ſaid:—

" This nobility had formerly great privileges; " now it is reduced to extremity as well as the reſt " of the ſtate, and the privileges of the nobles are " no more than ſhadows and cobwebs, that ſcreen

" them not from any thing. *Their* farmers and " *their* lands pay the King ſuch EXCESSIVE IMPOSTS, " that the whole revenue of the fund* is conſum- " ed. Under pretext of remedying ſome diſorders, " which undoubtedly deſerved to be minded, in- " tendants have been ſent into the provinces, who " exerciſe over the nobility an inſupportable em- " pire, and reduce them to ſlavery. *Now a gentle- " man muſt have ſome more than right to gain his " proceſs againſt a peaſant.* A ſerjeant of a town " inſults his lord, and is ſure of being protected " in all his violences: The lands and farmers of " gentlemen, far from being protected, are more " burdened than others. The gentleman now can " no longer make any thing, ſave of one parcel " of ground in his hands; the reſt may be ſaid to " be for the King. But alas! there are very few " gentlemen that are in this perplexity through " the plurality of lands; they have hardly one to " dwell upon. All the antient nobles of France " are reduced to beggary."

And, continuing the ſame ſubject, and ſpeaking of the new men put by the new power in their places, and of their inſolence to the old nobility, this author again ſays:

T " This

* The word *fund* here, muſt mean landed eſtate; the legal meaning in Rome of the *fundus*. Derivatively from the Roman law word, what we call an *heritor* in Scotland, and *landholder* in England, was in France *proprietaire foncier*.

" This it is that has baſtarded the nobles of " France; formerly ſo famed for their courage " and bravery. The new nobles have not de- " rived from their anceſtors the blood that makes " courage; and the antient nobles have loſt it " through the habit of ſlavery, through the mi- " ſery and ſordidneſs wherein they are engaged " by their preſent condition. Beſides, they are " ſo leſſened, that in cantons where were former- " ly a hundred families of gentlemen, all making " figures, you ſhall not now find ten. The reſt " are, as it were, abyſſed and ſunk into the earth: " And the government is at work to alter the houſes which ſtill ſubſiſt, by the means that have " ruined the others."

I am afraid I have ruined this man's credit utterly with the democratiſts. Otherwiſe, what would they ſay to this picture of the feeble ariſtocracy of France; ſunk at once beneath the crown and the people! The people were no better for it. No! No! That is moſt certain. They were greatly and lamentably the worſe. But it was not of ariſtocracy that the ſtate was ſick. Its diſeaſe lay elſewhere.

You ſee, Gentlemen, what the opinion was of the power and government of Louis XIV. in his own days; and that the *antient liberty of the conſtitution* was claimed againſt it. The ſlavery of France was held to be as recent as it was unjuſt; the conſtitution was indeed darkened, but had not

paſſed

paſſed away. Our author ſpeaks, it is true, of the impreſcriptible rights, *not of men*, (the human underſtanding was not fallen ſo low in thoſe days) *but of the people*. Of them I ſhall, myſelf, ſpeak likewiſe; but afterwards. Yet he claims nothing more for the French nation, than what had been enjoyed in the older times of their monarchy; what had honoured their anceſtors and made them free. His judgment and opinions of theſe old times, appear to have been the ſame with thoſe repreſented in this work; that there was always ſufficient conſtitutional knowledge to detect, expoſe, and prevent abſolutely unconſtitutional claims, and always (which was greatly better) ſufficient national ſpirit, and individual independence of mind, to reſiſt and overthrow ſuch claims, if at any time they happened, grounding themſelves on theory, to proceed into action. Accordingly, what had been unclaimed or unacknowledged of old, he ſeems to have thought, might ſafely remain unclaimed and unacknowledged ſtill. In the days of Louis the Fourteenth, he lamented that nothing was claimed by the people; that nothing was acknowledged to belong to the people; that they had loſt all remembrance of their rights; and (what was greatly worſe) had loſt all ſpirit (feeling oppreſſion as oppreſſion ſhould be felt) to vindicate and aſſert them.

It is remarkable how this writer ſpeaks of the reſt of Europe. He does not fall into the cruſad-

ing ſpirit of theſe days. He does not require that the nations ſhould be baptiſed into the new faith of freedom in their blood. On the contrary, he bewails the condition of France, as ſo unlike that which the other ſtates, he mentions, had more or leſs retained. This is very different from what is ſaid and done, and will detract very much from his credit and authority, in our times.

But I did not produce this author for the purpoſes of credit or authority, (of which I leave every one to think as he pleaſes) but for the purpoſes of ſhewing what was thought by thoſe, who ſtood up for liberty the moſt in the times in which Louis the Fourteenth reigned; both of the ſlavery then exerciſed, and of the liberty enjoyed formerly. And, for theſe purpoſes, it is a very ſtriking and lively document.

The ſame purpoſes will not be ſerved by what I am now going to produce. But I certainly think, that a leſſon as uſeful as it is awful, (moſt peculiarly uſeful in theſe times) ariſes from contemplating the dreadful exceſſes to which uncontrouled power can, not only without benefiting, but by endangering itſelf, be carried, while it blindly and mercileſsly purſues its victims. Neither if (in the Providence of God!) Europe delivered from her preſent dangers, ſhall be preſerved from deſtruction, and again placed in ſecurity and peace, would I wiſh it to be forgotten that, though the uncontrouled power of no King can reach the extent

tent of wickedneſs and miſery, can accompliſh and fill up the meaſure of cruelty and deſolation, can ſweep away and lay bare the happineſs and enjoyments and hopes of man, can unlooſen, lift up, and ſcatter, the moſt antient and ſolid foundations of ſtates and nations, diſſipating and chafing their liberties and rights, " as the chaff of the moun-" tains before the wind, and like thiſtle-down be-" fore the whirlwind;" though this can be accompliſhed by no King, nor by any power ſhort of that dreadfully incalculable force, which belongs only to the people, and againſt which the people, even in its moſt diſtant approaches, ought to guard themſelves, with a fear partaking of horror, as againſt their moſt certain and terrible deſtruction; yet neither would I wiſh it ſhould be forgotten, that Kings have trampled on the liberties and the deareſt happineſs of men, that they have multiplied and thickened calamities around that people, whom they were bound to protect, to bleſs, and cheriſh; while the energy of their deſtruction has been as wide in its range as the circle of their power. For ſuch tyrants, where the vengeance of the people has ſlept; it was a crime. Where the people avenged; it was the heroiſm of virtue. Perhaps the time may come (in the revolution of evils on this globe; evils nothing like thoſe which we witneſs) when, with the abhorrence of aſſaſſination neceſſary to the divine feeling and the divine act, it may be neceſſary for patriotiſm to call to mind the myrtle wreath,

in which, the poet ſings, were hid the ſwords of Harmodius and Ariſtogeiton.

At times theſe ideas will force themſelves upon my mind. It is chiefly when indignation at ſome ſignal act of wickedneſs has ſubſided into calmer, yet uneaſy, melancholy. I am then afraid of future times. May not theſe dreadful riſings of the people render, ever afterwards, the people's power an abhorrence to themſelves. May not ——. But, for a thouſand reaſons, I will think of this ſubject no longer.

The Abbé de Millot, a writer of conſiderable reputation, was employed by the family of *Noailles*, to compoſe political and military memoirs of the reigns of Louis XIV. and Louis XV. upon original papers belonging to Adrien-Maurice, Duc de Noailles, Maréchal of France, and Miniſter of State. The work is executed (as was to be expected) in the ſpirit and with the pen of a *protegé*. But that is neither here nor there, as to the preſent purpoſe. The work is introduced by an account of the firſt Maréchal de Noailles, who commanded in Languedoc, about and after the time of the revocation of the edict of Nantes. His correſpondence with the Court contains (the Abbé de Millot ſays) facts not before known. This correſpondence appears to have been carried on chiefly at the time he was Governor of Languedoc. There ſeems alſo to be no queſtion, that the Maréchal de Noailles was a good man, as well as

a man of parts and underſtanding. There is a letter from the famous *Flechier*, himſelf a biſhop in the very province, in which the Maréchal is extolled in language that could not poſſibly riſe any higher.

Speaking of his reſidence in Languedoc, the Abbé de Millot ſays:—

" His ſtay in the province, during the laſt " months of the year 1685, was wholly employ- " ed in the execution of the Court ſyſtem for the " extirpation of Calviniſm. There was to be no " more management; the Huguenots were to be " compelled into the Catholic religion; terror was " to decide and to multiply the converſions. At " laſt, the reſolution was taken of ſending troops, " inſtead of miſſionaries, wherever there remained " any partiſans of hereſy, and to quarter the ſol- " diers upon them, until ſuch time as theſe gueſts " induced them to obey the pious inclinations of " the King."

" The Duc de Noailles, to judge of him by his " character and principles, muſt have in his mind " diſapproved of theſe meaſures. Forced, how- " ever, to execute them, he endeavoured, by ſtrict " diſcipline, to prevent the diſorders which were " to be apprehended. His correſpondence with " the Marquis de Louvois, from the 6th to the " 23d of October, contains the journals of his " operations. It is ſometimes difficult to diſcover " in them the Chriſtian ſage, who looks upon all

" forced converſion as a chimera. But writing " to Louvois, could he do otherwiſe than accom- " modate himſelf to the Miniſter's language?"

" The ſubſtance of the whole detail is this. *On* " *ſuch a day the ſoldiers were in ſuch a place, or were* " *on their way to it, and the Huguenots were con-* " *verted.* The details themſelves would be tire- " ſome, I confine myſelf to thoſe circumſtances " which give an idea of the thing. It is not the " cruel *dragooning*, of which the Calviniſts have " ſo often ſpoken. It is a rapid execution, the " apparent ſucceſs of which dazzles at firſt the " Duc de Noailles himſelf, a man of ſenſe, of " judgment, and attached to the intereſt of the " public. He was ignorant perhaps, in a great " meaſure, of the violences which the dragoons " committed in ſeveral places."

It is very plain, that we are not to have any of the ſhocking details, given us by the Abbé de Millot, from the correſpondence of Noailles. It is needleſs to tranſcribe the morſels which he does give. The correſpondence mentions four cities (among the reſt Niſmes) being converted all at once. And the Maréchal pledges his head, that, before the 25th of November, there ſhall not be a Huguenot in the province. In one letter, he ſays, that the converſions went on ſo quick, that the troops never had occaſion to ſleep more than one night at one place. Perhaps, I will not be be-

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lieved by thoſe who have not read the book; but the Maréchal means to ſpeak ſeriouſly.

In the midſt of theſe converſions, the edict of Nantes was repealed.

One part of this edict ordained all miniſters, who did not embrace the Catholic religion, to leave the kingdom within fifteen days.

It has been in our times, that we have ſeen a ſimilar and counter edict, by which all the clergy were baniſhed France, who did not, within a certain time, renounce all religion.

Tyranny is at all times the ſame in its principles. In our times it has been more dreadful in its acts. Louis the Fourteenth, after all, was a bungler. What was he to Petion or Roberſpierre!

I paſs on to the year 1687. The Abbot de Millot, in that year, ſpeaks thus:—

"Before the Duke left the province, he was "informed by the curates and officers, that the "affairs of religion were in a good way, both in "the Vivarais, and in the Cevennes. His *expe-* "*rience* had taught him no longer to count upon "*appearances, which had no ſolid baſis.*" The converſions had ceaſed with the immediate terror that produced them; nor could terror now do all that it had done before. On the Duke's return again into the province, he came with an order of diſarming all theſe new converts.

Four years afterwards, in a letter from the King himſelf, is a command for all the gentry whom they

they could truſt, (many of them were Huguenots) in the provinces of Guyenne, Bearn, Poitou, and Upper Languedoc, being mounted and accoutred, " in order that there may not be allowed to re- " main, in theſe countries, any new convert of " conſideration, able to put himſelf at the head of " thoſe who wiſhed to take up arms." This terrible perſecution, before giving this terrible order, had continued more than ſeven years.

The Maréchal de Noailles was afterwards employed in other affairs; and I ſhall willingly quit this ſubject for others alſo. The cold manner in which the Abbé de Millot diſapproves of theſe bloody meaſures, while it authenticates them completely, excites our reflecting indignation more ſtrongly. Expeditions were made into the impenetrable paſſes of the Cevennes, " dans des lieux," (ſays Millot) " qui ſembloient ne pouvoir être ha- " bités que par des ours," and here the criminals (ſo they are called) were delivered to their enemies, and their houſes razed to the foundation. Baſville, one of the meaner leaders of this war of maſſacre, had them executed by *ſcores*;—the word is the Abbé de Millot's. One ſilly girl pretended to have viſions. A captain of dragoons was ſent with his company to ſeize her. On entering the houſe, with a piſtol in his hand, he was ſtopped by a country man; whom he ſhot dead on the ſpot. Another, aiming a ſtroke at the lieutenant of the troop, was killed inſtantly by a ſoldier. The

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reſt eſcaped by a window; and the poor girl was carried to priſon. Theſe two murders, the Abbé de Millot mentions, ſhould have been proſecuted in the ordinary courſe of juſtice. What in Scotland is called a precognition, was taken by the criminal judge; who inveſtigated the matter upon the ſpot. In the mean time, an order came from Louvois, prohibiting any proſecution. The Duc de Noailles was expreſsly commanded by the Miniſter not to permit any. I do not know whether this be not a ſtronger exertion of oppreſſive cruelty, than downright murdering. The Abbé de Millot obſerves upon it himſelf, and doing honour to himſelf too by the obſervation, "that, for a "long time, military executions had been more "in uſe as to the Proteſtants, than the formalities "of juſtice." This juſtice denied by Louis the Fourteenth, and by the Miniſter of Louis the Fourteenth, for two foul murders, has been denied formally in France, for murders more unprovoked and foul, (why do I compare them!) thouſands in a day, and at the very commencement of their revolution too, in its green and tender hours, by the worſhippers of humanity (as theſe fiends have called themſelves) and the apoſtles of mankind's freedom!

I have nothing further to ſay of this reign, but to mark the beginnings of what overthrew France, ſtill more than all the other calamities.

Hear

Hear the Marquis d' Argenſon.

" Sous Louis XIV. notre gouvernement s'eſt " tout-à-fait arrangé ſur un nouveau ſyſteme, qui " eſt la volonté abſolue," (it ſhould be remembered that the Marquis was a Miniſter himſelf) " des miniſtres de chaque département; l'on a " abrogé tout ce qui partageoit cette autorité." And afterwards:—

" Le département qui a le plus gagné eſt celui " des finances. Il n'y a à proprement parler que " deux grands Miniſteres en France, celui des af- " faires étrangeres, et celui des finances; à celui-ci " ſe ſont réunis toute police générale, commerce, " circulation d'argent, banque, et toute la for- " tune des particuliers; ainſi l' hiſtoire des pro- " gres de la monarchie en France dépend depuis " M. Colbert, de l' hiſtoire des Miniſtres de la " finance."

" La cauſe de ces ſurprenantes attributions n'eſt " pas louable; on pourra dire que ce monarque " n'a ſongé qu' à avoir de l'argent, puiſqu' il n'a " vu le bonheur de ſes ſujets que par les yeux de " ſon grand Tréſorier, et ce reproche n'eſt mal- " hereuſement que trop fondé."

The Marquis d' Argenſon goes into this ſubject at large. I ſhall not do the ſame. There can be no queſtion of the fatal effects produced by this new ſyſtem of prodigality. It was neceſſary to ſupport the magnificence of the reign, and it prepared the calamity of the reigns that were to follow.

low. It could not be that miniſters were to be always found, like Colbert, who provided at once, for prodigality and practiſed economy. And though there had been a generation of *Colberts*, the two things, naturally oppoſite, could not have been long reconciled by any man.

There is a moſt ſingular paſſage in the works of Mr. Burke, now conſiderably upwards of twenty years ago, which I cannot forbear quoting.

"I ſpeak from very good information," ſays Mr. Burke, "that the annual income of that ſtate "(France) is, at this day, thirty millions of livres, "or 1,350,000 l. Sterling, ſhort of a proviſion for "their ordinary peace eſtabliſhment; ſo far are "they from the attempt, or even hope, to diſ- "charge any part of the capital of their enormous "debt. Indeed, under ſuch extreme ſtraitneſs and "diſtraction labours the whole body of their fi- "nances, ſo far does their charge outrun their "ſupply in every particular, that no man, I be- "lieve, who has conſidered their affairs with any "degree of attention or information, but muſt "hourly look for ſome extraordinary convulſion "in that whole ſyſtem; the effect of which on "France, and even on all Europe, it is difficult to "conjecture."

The ſingularity of this prophecy, and its accompliſhment, cannot paſs without obſervation. But I did not cite it for this purpoſe. This bankrupt ſtate of the government (in which it was impoſ-

ſible

ſible, without the application of ſome ſtrong and ſome principledly applied remedy, that it could continue to ſtand) was the effect of great and new perſonal power, and of great and new conſequent perſonal profuſion. The great power, not of the crown, but of him who wore the crown, and not of him ſo much, as of his miniſters, cauſed all, and juſtified all.

This power, ſo deſtructive to every thing beſides, was highly favourable to the principles and to the progreſs of democracy. The Marquis d' Argenſon has a whole chapter (in his Conſiderations on the Government of France) employed in tracing the progreſs of the democratical ſpirit, and auguring bleſſings from it.

" Nous avons donc aujourd' hui pour nos eſ-
" pérances, et deſpotiſme et politeſſe. Une mo-
" narchie n'arrive gueres au deſpotiſme que par
" l'ariſtocratie; les miniſtres et les grands, travail-
" lant pour le monarque, croient travailler pour
" eux-memes; ils abaiſſent le peuple, ils élevent
" le Trone parce qu'ils y touchent de pres, et
" qu'ils dedaignent le vulgaire; mais quand le
" Trone eſt affermi, le monarque ſe trouve toujours
" plus ami de la démocratié qui lui eſt ſoumiſe,
" que de l' ariſtocratie qui l' offuſque."

He goes on to ſpeak with great wiſdom.

" Parmi les membres de l' ariſtocratie, il faut
" compter tous gens riches; la richeſſe eſt une
" diſtinction réelle chez toutes les nations: on

ſait

" ſait que la premiére dénomination des grands
" d' Eſpagne fut d' homme riche, *rico hombre ;* et
" malheureuſement plus les nations ſe policent,
" plus elles reconnoiſſent l' uſage et l' avantage
" de l' opulence."

" Si les rois prennent ombrage des grands de
" leur état, ils en trouvent les memes raiſons con-
" tre les citoyens trop riches. La concluſion de
" ceci chez les Turcs ſeroit qu'il faut abattre des
" tetes ſi hautes, et ſur-tout aproprier leurs dé-
" pouilles au fiſc ; mais chez des gens raiſonnables,
" cela doit raprocher de la démocratie, qui ne
" tend qu' à l' egalité des fortunes."

" Le progres de l' ariſtocratie doit toujours etre
" pris pour un ſigne certain de la foibleſſe du deſ-
" potiſme, et celui de la démocratie comme un
" grand effet de ſa vigueur. Nous croyons que ſi
" l'on a jamais prouvé quelque choſe par les faits,
" c'eſt cette verité dans le chapitre précédent. Si
" toutefois il eſt arrivé que François I. et Louis
" XIV. ont retardé la démocratie par la vénalité;
" qu' on attribue cela à une cauſe toute etrangere
" à ma preuve. Ils voulurent tirer des ſommes
" extraordinaires de leurs peuples, et ils eurent
" volontairement la foibleſſe de ſe ſervir de moy-
" ens detournés ; ainſi c'etoit plutot par défaut
" d' autorité ſuffiſante, que pour le bien même de
" leur autorité ; ce qui confirme encore ma pro-
" poſition."

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He then goes on more to detail. The proofs alluded to in the former chapter, are of the financial ſyſtem, and of the power of the crown which accompanied, or was accompanied by that ſyſtem. His theory certainly agrees with the hiſtory. Yet in the progreſs of democracy, it would have aſtoniſhed him indeed to ſee, that though the *kings* of France durſt not play the Turk, the *people* of France yet could far exceed him.

I ſhall quit this preliminary matter immediately. I have only to conſider a paſſage or two, and to add a thought or two, more.

It was in the beginning of the reign of Philip the Hardy, that the firſt *lettres d' annobliſſement* were paſſed, in favour of *Raoul*, the King's goldſmith or jeweller. Philip the Hardy began to reign in 1270.

" Cette introduction nouvelle" (ſays the Preſi-" dent Hénault) par laquelle on rapprochoit les " roturiers des nobles, et qui fut appellée anno-" bliſſement, ne faiſoit que rétablir les choſes " dans le premier état. Les citoyens de la France, " même depuis Clovis, ſous la premiere, et long-" tems ſous la deuxiéme race, étoient tous d'une " condition égale, ſoit Francs, ſoit Gaulois; et " cette égalité, qui dura tant que les rois furent " abſolus, ne fut troublée que par la révolte et la " violence de ceux qui uſurpérent les ſeigneuries: " ce n'eſt pas qu'il n'y eût ſous les deux premieres " races, des hommes plus puiſſans que d'autres; et

en

" en effet on auroit peine à comprendre com-
" ment des Gaulois ou des Francs, revétus de
" grandes dignités, auroient été du même ordre
" que les autres citoyens; mais cela vient de ce
" que l' on confond l' autorité, avec l' état des
" perſonnes; on ne ſauroit nier qu'il n'y eut des
" hommes plus conſidérables les unes que les au-
" tres, mais cela ne faiſoit pas que les diſtinctions
" dont ils jouiſſoient les rendiſſent d'une autre na-
" ture, pour ainſi dire, que leurs concitoyens; ils
" en étoient les premiers, mais ils n'en etoient pas
" ſéparés, et les charges de l' état étoient égale-
" ment portées par les uns et par les autres, a la
" difference des tems poſtérieurs, ou la nobleſſe ob-
" tint à cet égard de grands avantages ſur la ro-
" ture."

He then proceeds to conteſt the ſyſtem of Monteſquieu. *Veſtigia nulla retrorſum.* Nor does Monteſquieu need defence. In ſhort, it is impoſſible to enumerate and detect the falſe thoughts, and miſapprehended facts, in this ſhort paſſage, unleſs in a long diſcourſe. Certainly, the Preſident Hénaut is right in one thing, that, becauſe there were men more powerful than others, this was no reaſon why the diſtinctions they enjoyed, ſhould make them of another nature from the citizens at large. This is moſt indubitable. But, notwithſtanding, there were diſtinctions, and very marked diſtinctions, of rank in France, under the firſt and the ſecond race. Much and great as I hold

the freedom of theſe old times to have been, I cannot find the equality of the Preſident Hénaut; nor do I believe that when Philip the Hardy made his goldſmith a nobleman, he either reſtored the cuſtoms, or imitated the liberty of old times. At the ſame time, the thing itſelf I am far indeed from blaming. Why ſhould the goldſmith not be a noble, if he deſerved it? Nay, in one reſpect, the Preſident Hénaut is very right; or, rather, he is very much more wrong; for there were certainly inſtances of perſons being raiſed, or raiſing themſelves, from a lower to a higher ſtation, among the Franks of the firſt and ſecond race, as in every other age of the world.

While I ſpeak thus, I entertain the higheſt reſpect for the Preſident Hénaut; and while I ſpeak thus alſo, I do not mean to ſay, that I agree, at all points, as to the nobility of the old times, even with Monteſquieu.

The nobility of France continued to exiſt (nor do theſe *lettres d' annobliſſement* appear to have diminiſhed their dignity and honour) as a great and renowned body, for centuries after the nobilitation of Raoul the king's jeweller. The thing would have looked as well in a Calif of Bagdat; but that is no matter. It was ſparingly done afterwards; and all things were much as they were. The ſcythe of Richelieu had not yet ſhaven France, nor had the ſpeculatiſts of modern times levelled their nation with the democratic roller.

In

In and after the times of Louis the Fourteenth, the abuſement became great. I ſhall employ again the authority of the Marquis d' Argenſon.

" Voici cependant à qui ſe réduit aujourd' hui " toute l' ariſtocratie du gouvernment François, et " toute la part qu'y a la nobleſſe ; le commande- " ment des armées et le ſervice militaire. Les af- " faires de la guerre ne donnent qu'une autorité " paſſagere, et qui ſe borne à la dureé de chaque " campagne ; ajoutez à cela un grand air d' im- " portance, des diſtinctions brillantes, mais ſeule- " ment extérieures, quelques charges à la cour, " agréables par l' accès près de la perſonne du " prince, mais contrebalancés par la défiance " que les miniſtres lui donnent de ſes courtiſans, " quelques graces lucratives et injuſtes, l' occa- " ſion de nuire plutot que de ſervir; une occupa- " tion continuelle d' intrigues d' argent et de ven- " geances, un vain éclat qui reluit au loin, et qui " ne ſoutient pas l' examen, un meilleur air et " plus de gout dans les diſcours et dans les modes, " de grandes terres titrées et negligées, des dettes " et des injuſtices."

The vivacity of this deſcription does not alter its truth. I am ſorry for it. But we go on, Gentlemen.

" Toute l' autorité eſſentielle du gouvernement " a paſſé entre les mains de l' heureuſe Robe. Les " fonctions des grands officiers de la couronne ſont " à préſent confiées à des Bourgeois conſtitués

" dans des dignités amovibles, ſucceſſeurs de ces
" clercs ſur qui les anciens nobles ſe repoſoient de
" la peine de ſavoir lire et écrire, et de demeurer
" dans les villes, tandis qu'eux alloient regner dans
" leurs fiefs. Ces hommes nouveaux, accoutumés
" de jeuneſſe à toute la dureté de cœur néceſſaire
" pour diſpoſer froidement de la vie, des biens, et
" de l'honneur des citoyens, ſous les titres ig-
" nobles de ſecretaires et de contrôleurs, font
" trembler les fils de leurs anciens maîtres, ils les
" dégradent, ils les rebutent, et ils les envoient à
" la mort pour des querelles que les magiſtrats diſ-
" poſent tranquillement dans leur cabinet."

" Mais cette inſtitution de la Robe deſtinée
" pour tout équivalent de la grandeur réelle, à plus
" de flexibilité et de travail, ſort inſenſiblement
" de l'état de modeſtie et d'amovibilité, qui faiſoit
" ſon principal merite, et elle retombe dans les
" mêmes abus qui ont arraché le gouvernement
" des mains de la nobleſſe. L'hérédité s'accroît
" toujours dans les premieres magiſtratures, les
" ſurvivances deviennent fréquentes, même dans
" le miniſtere, le déplacement s'exerce le moins
" dans les places qui le demanderoient davantage.
" Ceux qui s'y trouvent tombent dans une com-
" mode inaction, et ſe font doubler par des ſubal-
" ternes, qui, eux-mêmes trop conſidérés pour
" travailler, font faire leur ouvrage par d'autres
" commis inférieurs."

I might

I might quote a great deal more, and to exceeding good purpose. But I ſtop here.

The Marquis d' Argenſon was a reformer, at a time when good men could be reformers. Thoſe days are unfortunately gone.

He propoſed a plan of government for France; which is printed. There is no queſtion that France needed a better government. You perceive, Gentlemen, what were its abuſes, and how they came on. They were dreadfully increaſed by the philoſophers. The hiſtory is in Mr. Burke. Who would again attempt what has been performed by him! I come to our own times.

Louis the Fifteenth had unqueſtionably been popular during a conſiderable part of his reign. He has certainly had outlived it. Inſtead of even decent grief, it has been ſaid that his death cauſed (in ſome inſtances) unbecoming diſplays of an oppoſite ſenſation. The eyes of the kingdom were turned to the new monarch, young, and endeared to the people both by his own character, and the remembrance of his father.

It is common not only to value highly, but to value above their deſervings, the memory of princes who die young, or before they reach that ſovereign power to which the hopes of the people deſtined them. But the Dauphin, father of Louis the Sixteenth, appears to have been a prince to whom the love of the people was the duty of the people; his right and his reward. It is a well

known fact, and has been frequently mentioned, that the Dauphin formed himſelf upon the example of the Duke of Burgundy, the pupil of Fenelon; the delight of his preceptor, and the darling of France; under whom the French believed (and it might, perhaps, have partly been realized) that the golden age was to recommence in their nation, and all their evils were to ceaſe. Certainly, the Duke of Burgundy had reſolved to aſſemble the national ſtates, and to revive the old conſtitution of the French kingdom. His mind was full of antient heroiſm and virtue; and it was filled equally with that benignity which predominated in the character of his amiable and accompliſhed maſter. Telemachus was the Duke of Burgundy; but, inſtead of the deſert rugged Ithaca, he was to govern a powerful nation, to hold a ſceptre tranſmitted from innumerable kings, and to guide the deſtiny of Europe. In times more favourable than thoſe which fell to Henry of Navarre, this young prince might have outdone all that monarch did; perhaps all he could have done. It is hidden in the darkneſs, with which Providence covers from mortals, the myſteries that it ought not to reveal, why this excellent prince, and this great good, were denied to the French nation. His remembrance lived in the hearts of all men, while any man remained with a human heart in France. I believe he was even inſidiouſly and treacherouſly praiſed.

praiſed. What a hypocritical overthrow it has been, the overthrow of this great people!

The memory of the Dauphin, his father, was reverenced by the young ſovereign of France, with a devotion equal to that which the Dauphin had diſplayed for the Duke of Burgundy. He had all his father's attachments and averſions. Anecdote ſays, that he could not conceal diſlike ariſing from theſe diſpoſitions. Hiſtory ought to record, that the maxims which governed the laſt reign, were diſcountenanced and exiled.

France had been governed by miſtreſſes for a long period. This evil had begun in the times of Louis the Fourteenth. A very great portion of his ſucceſſor's reign had been the domination alſo of favoured women; and in an authority of this kind that reign cloſed. The empire of miſtreſſes, among the other preſages of happy fortune, was at an end in the new reign.

The government of theſe female favourites raiſed by the perſonal attachment of the ſovereign to ſuch an eminent authority, was not more calamitous to the nation than the government of miniſters had frequently been. Both learning and rank had knelt at the footſtool of the miſtreſſes of Louis the Fifteenth; and if the praiſes of the Fathers of modern ſcience legiſlation and morals, are to be conſidered as worth any thing, theſe female ſovereigns held the ſceptre of a willing and not unhappy people. Certainly, their dominion (degrading

as it was for a kingdom to be ſo ruled) was ſomething more liberal and dignified, and to which a ſpirit of ſome mettle and manlineſs could with leſs feeling of ignominy accommodate itſelf, than the moſt eaſy, and merciful, and leaſt oppreſſive parts of the new tyranny of France, in its firſt and gentleſt beginnings. Any of the old ſages, who ſtill remain, or the younger diſciples who have come into their places diſpoſitions and doctrines, could not but find it difficult (with the greateſt willingneſs) to apply the ſame terms of praiſe, to the females who ſince the revolution have graſped ſo fiercely and outrageouſly at the dominion of France. Yet if there is any female who partakes the bed, and influences the counſels, of Marat or Roberſpierre; if any woman's boſom receive the counſels, or direct the conduct of Petion, it may be a taſk equally agreeable (perhaps much more ſo) to the philoſophical poets and poetical philoſophers of the day, to celebrate their dignified charms and attractive virtues, ſo fitted for guiding and adorning a nation, than it was for Voltaire, and his mimics or equals, to laviſh what they had of the Muſes at the ſhrine of Pompadour. It muſt indeed be much more agreeable, and much more ſuited to their natures; for this laſt was, in compariſon, an honourable and a manly office.

The French *heroines* (this is the name by which they are known in the *Faſti* of democracy) who now rule that nation, directly or by influence, were

were at all times remarkable in Paris. Only a few years ago, they diſplayed their conſequence and their loyalty in the ſame places where they now give the ſignal or the command for cowardly murder. When the Counteſs d' Artois made her public entry into Paris, the *Poiſſardes* with ſongs and dances accompanied the proceſſion, and diſplayed all the brutality of loyalty, as they have ſince done of rebellion. I do not ſpeak of them as common mob. They were the leaders and commanders of the mob; and are now, therefore, and of neceſſary conſequence, the leaders and commanders of this degraded people. They have not riſen to any higher authority than they had formerly. It is only all other authority that is removed. Such is the majeſty of the French nation!

The rule of favourites who ſhared a prince's bed, and who were humanized and controuled even by the vices of Courts, was a golden and happy age to the preſent. It was right to ſtate the contraſt. But I now go on.

Different maxims, different meaſures, and different men, characteriſed the new reign; and gave it an honourable diſtinction, from what had gone before it. The recal of Maurepas; the employment of Turgot, and afterwards of Necker; the whole order of things announced a revolution of public policy, favourable to the beſt intereſts of the

the nation. The King delighted in his people; and the people ſeemed to delight in their King.

Reformation began with the reign. More or leſs, it continued till the calling of the firſt Aſſembly. I had once an intention of ſtating the tranſactions of the firſt years of Louis the Sixteenth ſomewhat in detail. I have ſo much matter beſides, that this cannot well be done; and it would form, to a man of knowledge and ſufficient leiſure, both an important and fruitful ſeparate ſubject. It ſhould be remembered (yet there are other things equally worthy of remembrance) that ſome of theſe reformations introduced by Turgot, were reckoned by the parliament of Paris ſo deſtructive to all the antient order of things, that the liberal and free Turgot, the republican Turgot, thought it fit to adviſe the King to that inſtrument of tyranny, avowed and irreſiſtible, *a bed of juſtice*, in order to compel his parliament to the regiſtration of theſe reforming edicts. The King followed the counſels of Turgot, in this, as in other affairs. He came to his parliament in all the terrors (mild terrors in him) of abſolute ſovereignty. He told them, that he did not intend to part with the lawful authority of the Crown, nor to deſtroy all diſtinctions of ranks among his ſubjects; that their fears on this head were groundleſs, and that the edicts muſt be regiſtered. I do not enter into the queſtion of reformation. There was much need

of

of reformation. But the King's power was evidently uſed to deſtroy the King's power.

Turgot ſeems to have been the firſt who introduced the vile and ruinous practice of prefacing his plans by pamphlets. Theſe were previouſly ſent abroad to ſound the public mind, or to excite it. It was then that the new dynaſty began in France; the royal family of democracy; authors, printers, and bookſellers; the new ſovereigns of mankind, with a pen for their ſceptre, and for a truncheon a pamphlet. Under him were the great beginnings of this inglorious and bloody line!

Turgot was diſmiſſed in intrigues. I do not juſtify intrigues. There have been many unjuſtifiable and fatal intrigues for diſplacing miniſters in Great Britain. The ſame intrigues which diſmiſſed Turgot, brought in Necker. This laſt miniſter was not an *œconomiſt*; but his other qualities, (though unlike the former miniſter in his political philoſophy) and his general character, principles, and ſituation, made his choice a much more conſpicuous example of change in the policy of government, than the ſelection even of Turgot had been; a man of an antient family, of great connexions, who had devoted himſelf early to public life, who had borne eminent offices in the ſtate; while Necker was a Proteſtant, and a foreigner, and a merchant.

This

This œconomical philoſophy had, and has its admirers. It is partly captivating, I do not deny. A miniſter of that ſect was a great triumph, and a great and ſolid advantage to the ſect itſelf. It did not loſe its conſideration with Turgot's fall. And though Necker, as a theoriſt, had nothing to do with it, yet his miniſtry was not of a kind to diſcredit or ſtop the progreſs of its principles. Eſpecially as theſe principles accommodated themſelves to every thing that was new, and in any reſpect experimental. Beſides, not to countenance, or to oppoſe without ſuppreſſing, was all that this new ſcience required to its growth.

Mr. Necker did not immediately ſucceed Mr. Turgot. There were two miniſters of finance interpoſed between them; Turgot having been diſmiſſed in May 1776, and Necker not appointed till the 2d of July 1777. The two miniſters were M. de Clugny, and M. Taboureau des Réaux. The firſt was in office about ſix months, and the latter about ſeven. The adminiſtration of the latter might be conſidered as the adminiſtration of Mr. Necker, (perhaps of the former too) who was in the miniſtry, though not placed for ſome months at the head of the financial department, from the year 1776.

In the mean time, France made her alliance with America. Paine has declared in his Rights of Man, that the American people lay under obligations that can never be repaid to the King, and eſpecially

especially to the Queen of France. It was the Queen (as he says) who first, and alone, made the American cause favourable at the court of France; and which became, in a short time, so eagerly and strongly the cause of the nation. An Englishman cannot speak on this subject with sufficient impartiality; and he would be most unjust, on the most unjust side, and partial even wickedly, if he did not hold the interference of France in that memorable controversy, as a faithless and disgraceful transaction, in the face of all national honour, honesty, and justice. It could be defended by nothing but the rights of men, in the modern acceptation. America might have (and had in the conclusion) a just cause against Great Britain. It was *victrix causa. Diis placuit*; and it would have also pleased Cato. But it was not just for France. Nor had France, at this time, reached that summit of hypocritical infamy on which she now stands, and from which she holds out her false evangel of freedom to enslave the nations; like the flying roll which the prophet saw in vision, "the curse that goeth forth over "the face of the whole earth." France sought nothing, and pretended nothing, but her own aggrandisement, and the humiliation of Britain. It was a dazzling prospect. The morality of nations could not summon up virtue enough to resist the splendidly fascinating view, which streamed in long glory across the Atlantic, settling in burning radiance

radiance on the crown of France. America found France an ally as faithful as ſhe was powerful. France ſaw her own greatneſs in the fall of England; but ſhe was too honourable to ſeek to fraternize America. However unjuſt were the motives of the alliance, the ſervice performed was that of fidelity and honour. America had contracted, not with the republic of France, but with the crown of that kingdom.

England fought for her exiſtence. Often her ſtar became dim. The times indeed were awful. She had not juſtice to ſtrengthen her arm. The nations combined againſt her; and courage ſprung up with right. Again ſhe relumed her fires, and ſhone out with her own ſplendour the firſt among the nations.

The glory of France was fading away. No advantages in great reputation or ſolid acquiſition had been made, to repair the immenſe waſte of treaſure which had ſupported the American alliance. Before the war cloſed, Necker had retired from all concern in the adminiſtration of public affairs. He was ſucceeded by M. Joly de Fleuri in 1781. He continued two years. I am remembering the maxim of the Marquis d' Argenſon, that the hiſtory of France was the hiſtory of the miniſters of finance. It was not ſo now, in the ſenſe the Marquis intended. The miniſters of finance had now to ſave (if they could ſave) the ſtate; not to ſupply the expences of the ſovereign.

You

You will recollect, Gentlemen, how theſe were retrenched, and how the retrenchment was celebrated by Dr. Price. But the load on the nation made it to ſtagger. I go on, therefore, with the miniſters of finance.

About the end of March 1783, M. d'Ormeſſon was put in the place of M. de Fleuri. He continued till the third of November of the ſame year, when the financial adminiſtration of the kingdom of France was intruſted to M. de Calonne.

M. de Calonne is a man whom I will not praiſe; in which I am often led to think that I am exceedingly unjuſt. Early impreſſions, at the time of life when I formed them, are not eaſily got over. I was a great partiſan of Necker. I read ſome of their controverſies (which I ſhall not read again), and I was a partiſan ſtill of Mr. Necker. I ſhall never in my life ſpeak againſt Mr. Necker; at leaſt I think it ſcarcely can be; not even for his having unwillingly, honeſtly, vainly, criminally, ruined the monarchy of France. I ſincerely lament the fallen ſituation of a worthy, a good, and a very able man. I do indeed; and moſt ſincerely. This is a ſubject from which I muſt turn. It is a very ſacred duty, to have once loved any perſon.

My friend has talked of M. de Calonne in a way of which I am abſolutely aſhamed. His language, even as the language of truth, would be coarſer than ſtrong; and I am no uſer of ſoft words

words or dainty phraſes. But not a ſingle fact, or allegation of fact, (barring epithets, if epithets be allegations) is to be found in my friend's book, againſt M. de Calonne; nor in any book nor record that I know of. I here openly profeſs my ignorance; and I neither like to be thought nor called ignorant, where any knowledge can be obtained. I know nothing to warrant the charges made in ſuch violent and unqualified terms. And as to the conduct of M. de Calonne, ſince he fell from power, it muſt be a moral eye of very ſtrange conformation, which, viewing him as a Frenchman and a loyaliſt (unleſs the character be held in itſelf a crime), does not perceive him moſt courageouſly performing, and very greatly to his honour, what belongs to a Frenchman and a loyaliſt, with the ſpirit and the motives of a loyal Frenchman. If it be this ſpirit, and ſuch exertions, that call down on him theſe denunciations as from fear, then others will have pronounced (and among them my friend) that merited panegyric on this ſtateſman, which (for no good reaſon, yet I cannot help it) has not been pronounced by me. Judging of the paſt by the preſent, and laying aſide merely financial controverſy, we muſt lament that he was not ſooner and longer the miniſter of France. *Trojaque nunc ſtares, Priamique arx alta maneres!* While ſuch accuſations, and on ſuch grounds, are made againſt him, who but his enemy would be his defender!

The

The adminiſtration of M. de Calonne was certainly an adminiſtration of great talents. But France was plunging. He continued in office till April 1787. He had a ſucceſſor, M. Fourqueux, who held the office three weeks; and afterwards M. de Villedeuil, not ſo long, or as ſhortly. The Archbiſhop of Sens came in his turn; and then the ſecond miniſtry of Mr. Necker. Let us conſider, before paſſing on, and more leiſurely, this adminiſtration of M. de Calonne.

It was a moſt important period. The financial operations, and indeed the whole management, I neither enter into any conſideration of, nor juſtify, nor condemn. Situation and circumſtances, a ſituation more dangerous and circumſtances more urgent than had ever been known, called for great and new exertions. I do not ſpeak of the *deficit*, or *non deficit*, nor of the *Compte rendu* of Necker; nor whether it was juſt, and rightly calculated, or that the accounts and calculations of M. de Calonne were to be held the true and fair ſtatements. France was in great and deplorable want of public means for the public government under both miniſters. It was neceſſary that theſe means ſhould be provided by both. It was neceſſary that permanent ſchemes, taking in the whole ſyſtem of financial proviſion and regulation, ſhould comprehend and guide futurity; looking forward, and going beyond preſent neceſſities and times. In former times, France had been nearly as much, ſome-

times more diſtreſſed than ſhe was now, or was likely long to be. But at no former times had her ſovereign wiſhed ſo much to relieve her, nor had the people themſelves ſo ſtrongly felt that they needed and were entitled to relief. The combination of theſe circumſtances, leading to unguarded conceſſions, and flagitious demands, was the overthrow of the French nation. The financial difficulties were (very probably) the chief reaſon, why this miniſter called the Notables, and thought of aſſembling the States. It is certain that he called the one, and thought of aſſembling the other.

One great enterpriſe of this adminiſtration, and at the ſame time a great ſource of expence, was fortifying the port of Cherbourg; among the moſt ſtupendous undertakings that has been known in the world. The King viſited Cherbourg in the year 1786. His journey was as the journey of the people's father. Nothing betokened a reverſe of the ſcenes, which muſt have gladdened his heart ſo greatly. At this time, the King went even beyond the French territory. He was half way over to ſee the iſland of Jerſey, when he turned back on the appearance of a ſtorm. Little could he then imagine, that home was ſoon to be the moſt hoſtile region he could viſit; his loneſome priſon and his early grave!

The fortifications of Cherbourg were a mighty charge; but I have never heard it ſaid that theſe expences were not neceſſary and national. Yet national

national as they were, they increaſed thoſe burdens which the nation loudly were declaring their unwillingneſs to bear.

The means for promoting the nation's proſperity were not in the mean time neglected. By one meaſure of the adminiſtration (which forms a ſtrong contraſt to the detail given above of the cruel perſecutions of Louis the Fourteenth) ſtrangers, without any diſtinction of their religious perſuaſions, were invited to ſettle in the kingdom of France, with ability to purchaſe lands, and to enjoy the common rights of citizens. This meaſure occaſioned a ſort of re-emigration into France from America. About a hundred families of Quakers and Baptiſts, ſecure of the enjoyment of their religious as well as civil rights, came to ſettle in a Roman Catholic country, and to be the ſubjects of a Roman Catholic king. In conformity with this indulgence to the religion of ſtrangers, the privileges of the Proteſtants at home began alſo to be reſtored. M. de Calonne had only the merit of beginning what was afterwards completed, when he had been driven from his ſtation. It is well known the return (and I have obſerved it already with great grief) that this part of the people has made for the benignant interference of the crown.

As to the peaſantry of France, their condition alſo was conſiderably bettered; and they were only the beginnings of what was to be done. The

relief given them, in many cases, was real and substantial in the present instance; and, in all, it contained and held out future and permanent securities against oppression. One grievance loudly complained of in France (which certainly might be used, and frequently was used, for oppression, and which in all cases was inexpedient) similar to our *statute-labour* in Scotland, but carried to a greater extent, in repairing and constructing the public roads, was now done away. The oppression in too many cases had indeed been grievous. It now ceased.

Another great measure brought forward by this minister, was the establishment of a territorial impost, similar to the land-tax in this country. But this was after the convocation of the first assembly of the Notables; and of this it is necessary previously to speak.

No assembly of this kind had been known since the days of Louis the Thirteenth; more than of the General States. In their nature, they were more a council of advice, than a meeting of legislative deliberation. And this was rightly so; for they were not chosen by the people; who could alone give legislative character and legislative powers. The Notables met on the 22d of February 1787.

It was in this assembly (among his other plans) that the minister brought forward the new scheme of the land-tax. Opposition arose on all sides.

M. de

M. de Calonne has not been accuſed (that I know of) as being deficient in ſpirit or firmneſs. But the oppoſition was ſuch, againſt which no man could ſtand. He left France for England.

It is a ſingular record in the hiſtory of mankind, that this meaſure ſhould have been moſt violently oppoſed on the ground of the privileges and immunities, and ſeparate rights, of the ſeveral provinces; and that the people ſhould have thought their liberties in this way, as in others, infringed and endangered by this tax, when the very firſt acts of their conſtituting aſſembly, were to take away the names and the rights of their provinces, and to make a completely new territorial diviſion of the whole kingdom. Some of the declarations on this head, however, (unjuſtifiable and unreaſonable as they might be in point of *policy*) were ſure ſigns of there being fundamental and conſtitutional laws in the kingdom of France; when it was denied by the law officers of the crown in the provinces, that any authority in the ſtate, even that of the King himſelf, could aſſeſs this equalizing tax, contrary to the capitulated rights of the people.

The higher orders in the kingdom were enemies to this meaſure. The people, the ignorant people, who ſhuddered at the name of tax, and did not know how much this plan of taxation was to relieve them, were greater enemies to the meaſure ſtill. Not two months, accordingly, after he

had called this aſſembly, M. de Calonne was in exile, and only by being in exile in ſafety.

The appointments to the department of finance, which took place upon his retirement, were (as I have mentioned) ſhort and occaſional. Not long afterwards, the Archbiſhop of Sens was nominated miniſter in his place; and with both more ample name and powers than M. de Calonne.

On the 25th of May, after ſitting about three months, the convention of Notables was diſſolved. With very conſiderable heats and diviſions, they agreed in ſome meaſures of no ſmall relief to the people of France. The only permanent and great effect this convention produced, notwithſtanding, was to excite a very univerſal and a very ſtrong deſire for the aſſembly of the national ſtates. Nothing at all was done to diminiſh, or to put in order, the public burdens; which continued with a heavy and dreadful preſſure upon the kingdom and the crown.

In ſtating what was done of wiſe and good (or of what was intended to be done) under the adminiſtration of M. de Calonne, I do not mean to give that adminiſtration any excluſive praiſe: its merit was in common with all the adminiſtrations of the reign which had attempted or effected improvement and reformation. Its faults alſo were in common; though there were certainly in it ſchemes, more of futurity and permanency and ſyſtem. The faults, the vices, the crimes I will call them,

them, of this reign, and of its miniſters, againſt the dignity of the crown itſelf, and its rightful authority, were unprincipled expedients and vague conceſſions; throwing every thing looſe, and often, after this was done, not obtaining their purpoſes. That greateſt bleſſing, and that only ſecurity of a government, ſtability, was wholly unknown in France. The people (moſt fatally for themſelves) perceived, what much pains was taken to teach them, that government itſelf was greatly ignorant of what were its rights and its duties.

It would be very unjuſt to ſay, that the miniſters themſelves, in every caſe, were the cauſe of this unhappy ſituation. It aroſe from circumſtances which miniſters frequently neither made nor could mend. But unſteady and cauſeleſs policy (if ſuch policy is to be called by ſuch name) increaſed the evils, where they did not create them.

But if this had been the caſe formerly, it was now ſuch, to a degree, not only before unknown, but unconceived. It was not merely the fact of hiſtory; but the ſyſtem of management.

When the Archbiſhop of Sens came to the adminiſtration of the government, the ſpirit of democracy had begun already to walk abroad. Its voice indeed had often been heard before; but it was only in the cellarage; in the low tones of ambiguous philoſophy, and the half uttered maxims of cheating wiſdom. Where the language was plain, and the delivery bold, (as in ſome caſes it happened) the voice was a diſtant voice; it was

made to ſpeak of other people and times; with applications not made but to be made. It came nearer now; and was more public. The reſtified eſſence in the vial of philoſophy took alſo now a groſſer ſhape; ſuch as could be diſcerned plainly and materially by thick vulgar ſenſe, and could excite and command and direct the neceſſary paſſions and operations. Not that this ſpectre had not been ſeen before, even by the people; the forerunner of their dreadful doom. But it had not before *worked i' the earth ſo faſt*; it did not begin till now to be *hic et ubique*, and not to be avoided even by ſhifting ground. The Archbiſhop of Sens appears to have alternately beheld it with terror and indifference. Certain it is, that the cravings of democracy, whoſe diſtant howlings for its prey were now heard diſtinctly, were fed and not appeaſed by this miniſter. It was kept alive, this ſavage ſpirit, and nouriſhed and ſtarved by turns into more than native fierceneſs. After theſe ſervices performed to his country and his king, the Archbiſhop left them to the ſtruggle.

Now came Necker for the ſecond time; and in him were placed the hopes of the King and the nation. It was in the month of Auguſt 1788, that this ſtateſman returned to the kingdom and to the government of France. The effects of his reſtoration to power were certainly both great and immediate. Commotions almoſt univerſal had begun, or were beginning, in the kingdom. The former

former minister had quitted the administration in a storm, which settled in dreadful blackness on the nation; and through which no eye of hope could reach to the other side. The clouds gradually rolled off; and Mr. Necker had been indeed but a short time minister, when almost every thing was serenity in France. Many probably call this (I certainly do not call it) a deceitful calm. I do not think, and can never bring myself to think so ill, of what was the French nation. It is a cruel and afflicting history, how this prospect was overcast; and how the day set in horrid gloom on this great people.

The measures and the events of the administration of the Archbishop of Sens are closely and necessarily connected with the subsequent measures and events. They were generally (and very general my notice shall be) as I shall now shortly state them.

After the convention of the Notables had been dissolved, the necessities of the times still demanded taxes; and the plans which would have rendered these burdens lighter, both in the present, and for futurity, having been rejected, what was to be done? The nation were unwilling to give; and the nation could not subsist without giving. There was a necessity of taxation or plunder. In this situation it was, that the parliaments, and especially of Paris, began that war of remonstrances, which overthrew the King's power and their own.

own. It required very ſtrong motives to juſtify the parliaments in reſiſting the will of Louis the Sixteenth; in whoſe reign and by whoſe protection they had been reſtored from their great humiliation.

But I will not mince matters. I well remember the time, when I rejoiced and gloried and exulted in the oppoſition made to the will of the Court by the French parliaments. Nor is this wonderful; for my heart bounded in very ecſtacy at the deſtruction of the Baſtile. Neither as things then appeared (and SHOULD have appeared) to me, am I aſhamed of having rejoiced at the events of that flagitious and bloody day; now joined by the Pariſians themſelves, (in their public addreſſes, and thus authenticated) with the tenth of Auguſt and the ſecond of September! Yes, I well remember the day, and the feelings of the day. I was on my way, in the morning, to the Parliament Houſe (I never ſhall forget it) when the firſt and early news of it was communicated to me, and in a frame of ſpirit not to be much pleaſed, as far as ſorrow could affect a heart not naturally formed to be unhappy. I heard the news; and I trod in air. Scarcely now (and the days of gladneſs ought not yet to be paſt) could the ecſtacy of rapture and triumph be more, were I to hear of the Duke of Brunſwick, with the Princes of the Bourbon race, having entered victorious into France, placed the ORIFLAMME in the centre of Paris,

Paris, and reſtored again the name of French gentlemen in their country! *Bien avons quenu que voſtre Seigneurs ſont li plus hauts homes, que ſoient ſans couronne!*

It was not, therefore, wonderful that he who could joy in the dreadful and abominable proceedings of the fourteenth of July 1789, ſhould view with delight and approbation the conduct of men, ſome of whom were actuated by the nobleſt and pureſt principles of public virtue; miſguided, it is true, and fatal; ſo miſguided and ſo fatal, that to men on the ſpot, who had ſeen all, and heard all, it is ſcarcely poſſible to pardon the deception; in the moſt dazzling, blinding, and cheating illuſions of patriotiſm deluding itſelf. Facts have ſince ſhewn that the thing could be. However, the greater part had no neceſſity of deluſion. As to me, placed at a diſtance, ſeeing nothing diſtinctly, hearing nothing diſtinctly, enthuſiaſtically fond of freedom, I was in a dream and rapture of liberty and revolution, till the news of the fifth of October 1789. My waking to reaſon and reflection was painful and ſevere; but it was complete and radical. I then ſaw this dreadful tyranny, which, with the frown of hell, had appeared to my deluded ſenſe with the ſmile of heaven. I ſhould have deſpiſed myſelf for ever and ever, had not my line been taken decidedly from that moment. There could be no half converſions; no ſtandings to look about; no blame with hopes of reform-

reformation; no paltering with present evils for future good; no regret ending only in regret; no indignation ceasing merely in indignation; there could be none of these things but by ignorance, (and much ignorance there was and is) or by something, in comparison of which, even stupid ignorance is an honourable distinction and a claim of renown. What a horrid look back there was then! There have been more crimes in France since the fourteenth of July, now three years past; but there have not been greater crimes. No well informed man will say it.

The parliaments of the kingdom, and that especially of Paris, with some good men and more evil, took up the ground (in itself strong and sufficient, and from which no battery of argument could drive them) that no taxes could, according to the constitution, the fundamental laws, of the French monarchy, be imposed upon the people but by the general states. Their own competence to tax, or register edicts for taxing, they utterly and for ever disclaimed. The calling of the States was, therefore, a measure, held by them indispensible, before either the crown, or the nation, could be relieved from those difficulties which overwhelmed, and threatened to destroy, as things then stood, the one as well as the other. The Parliament of Paris thought these considerations of danger and ruin to be of no comparative weight with the principle. There are times in which principles should not be

sacrificed

ſacrificed to any thing. There are times which having their own duties, have their own rules. The Parliament of Paris ſet up their impregnable principle, when its effects would have been beſt accompliſhed and ſecured by ſtirring no queſtion of principles whatever. The crown of France had long been in poſſeſſion of the power of taxation by uſage; an uſage, which being contrary to the fundamental laws, could acquire currency and right by no lapſe nor duration; and which the people were entitled, as a popular conſtitutional right, by the laws of every Gothic kingdom, to reſume; committing it to a body elected by themſelves, and acting not only for them but by them; with a truſt more immediate, nearer and direct, than that of King; more permanent and wide, more proſpective and authoritative, than that of ſimple delegation. There is no queſtion of their title to claim all this; though I do not at all know that they had—or rather I know moſt certainly that they had not—a title to claim the reſumption of this popular power, in the people's name, and for behoof of the people, *as* the King's Parliament of Paris. But queſtions of title are here fruitleſs diſcuſſions. It was the time of claiming: It was the manner of claiming: It was the doctrines coupled with the claiming.—Perſons at a diſtance might ſee only, and, therefore, applaud only, (unmixedly, and purely) a ſtruggle for liberty. Thoſe at hand, and whoſe eyes were open,

had, and could have, no ſuch juſtification. The reſiſtance to the uſe, in any caſe, and temporarily, of what had ſo long been cuſtomary law in France, was in itſelf, but much more in the means and modes, deſtructive, to the roots, of all monarchy in France. As to the perſonal dignity of the reigning prince, it ſet that at nought wholly.

Thoſe in the parliament who did not delude, but were deluded, found in the meaſures taken by a weak and mutable policy, yielding and raging by turns, many motives and cauſes for continuance of deluſion. It muſt here be confeſſed, once for all, that France was now exceedingly deſtitute, in places of power oſtenſible or otherwiſe, of any great leading genius. The monarch was ill ſerved in all reſpects. All the ſchemes adopted appear to have been of the moment; both in formation and execution. The intention of the King certainly was, to call together the ſtates of the kingdom. Yet this was a thing, in the ſituation of affairs, which required all the precautions of the moſt long-ſighted prudence. The intemperate demands, the fears, the hopes, of all parties, ſo various and divided, and ſo loſt in obſcurity as to their ultimate objects, required (in the diſpoſitions of the King) that the miniſter ſhould have reſiſted with principled ſteady firmneſs, and yielded with ample but guarded conceſſion. It required a man who could not be irritated by intemperate proceedings, not overawed by violent proceedings; not haſty to

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grant what might be dangerous in the event, nor obſtinate to refuſe what could be demanded with right and reaſon. But where was this miniſter to be found. He certainly was not now at the head of affairs in France. The proceedings againſt the parliament were, in ſome caſes ſuch, as that even blood, not of the warmeſt temperament, might have fired; and preſent paſſion hid from the view future conſequences.

The eloquent remonſtrances which theſe proceedings drew forth, are known to every body. Their eloquence was great; their information great; their powers of reaſoning great. I do not know if there is any thing (ſome points of antiquity excepted) in which I differ from their principles and doctrines. But the time; the time! This cannot be too often repeated. And the place likewiſe! When and where were out of view. Theſe great univerſals had no place with them in their categories.

On Thurſday the eighth of May 1788, the King was adviſed to hold, at Verſailles, *a bed of juſtice*. Several edicts were then enregiſtered. The third was a memorable edict. It was the long wiſhed for and very excellent reformation of the criminal law of France. But the chief meaſure, as regarding the politics of the times, was the edict regarding the formation of the new body to ſupply the functions of the parliaments, and of certain other courts of revenue and law, under a name,

name, known in the old ages, of *Cour-Pleniere*. This *Cour-Pleniere* was to be held at Verſailles four months during the winter, and as often beſides as it ſhould be called together by the King. It was, but *proviſionally* only, till the meeting of the *General States*, (the *engagement* to call which might, in fact, be ſaid to have been *regiſtrated* along with this very edict) to have the ſole and exclufive right of enregiſtering the laws.

I am very unprepared to ſay, (and he will be a wiſer man than any I have happened hitherto to meet with, who can tell me) whether this *Cour-Pleniere*, might have turned out, or the contrary, an uſeful inſtitution. It certainly did not get a fair trial. But an obſervation has been made upon it by a well known author; full indeed of wiſdom; of moſt ſalutary counſel and awful warning. "The attempt to eſtabliſh the Cour-Pleniere had "an effect upon the nation which itſelf did not "perceive. It was a ſort of new form of govern-"ment, that inſenſibly ſerved to put the old one "out of ſight, and to unhinge it from the ſuper-"ſtitious authority of antiquity. It was govern-"ment dethroning government; and the old one, "by attempting to make a new one, made a "chaſm." A leſſon of terror to even well meaning reformers; for the obſervation is a ſolemn truth, although it is made in the Rights of Man, and by Thomas Paine himſelf! You will find it, Gentlemen, for the regulation of your conduct,

in

in the firſt part of the Rights of Man, and in the middle of the one hundredth and fourth page. This perſon adds, by way of fact, that the failure of this ſcheme renewed the ſubject of convening the States General. The ſcheme contained in itſelf an *engagement to call* the States General. By an *arrêt* of the *fourth* of May preceding, ſigned by the Baron de Breteuil, the King expreſsly mentions the aſſembly of the General States, and that the people, through deputies freely choſen by themſelves, were ſoon to deliberate on the great concerns of the nation; but which required (as was at the ſame time mentioned) a ſtate of tranquillity, and a ſpirit of moderation, for the accompliſhment of any real and laſting ſervices to the commonwealth. This arrêt, which was directed againſt ſome proceedings of the Parliament, contains one thing, now become ſingular; but which was very univerſal, and will be ſeen as we go on, at that time. The King declares that he cannot allow to ſubſiſt certain decrees of the Parliament, declaring, as on their part, that the *fundamental laws* were in danger. The Pariſian populace were, at this time, the idolatrous enthuſiaſts of the Parliament. The ſame populace were not long after taught, and acted upon the doctrine, that there were not, and had never been, any *fundamental laws* in France. This was the oratory of the firſt National Aſſembly; and the reaſoning of Mr. Paine. The decrees of the Par-

liament were, however, in this reſpect, and certainly, better founded than thoſe of the King. The King's miniſter was, beyond all doubt, violating the fundamental laws. The Parliament ſaid nothing but the truth; yet they were equally criminal as if they had not ſpoken the truth; and more criminal. The miniſter and themſelves were, different in meaſures and principles, as in effect, much alike. His principles and ſchemes endangered the laws. Their conduct and proceedings endangered the laws. His plans went out of the conſtitution to ſeek ſtrange ſupports (which might, perhaps, anſwer the purpoſe, but) which weakened the natural ſupports of the throne. Their demands and remonſtrances, within the line of the conſtitution both, (if not by ſtrict uſage yet certainly in ſtrict principle ſuch) took away, by their circumſtances and language, all the reverence, and conſequently all the power, of government. The miniſter reformed in his way and to a very great extent. The Parliament demanded that the reformations ſhould be in their way; and demanded beſides abſolute and inſtant compliance. The miniſter did not defend the throne. The Parliament attacked it. But his conceſſions were more dangerous than their attacks. His conceſſions went of themſelves to enfeeble the crown, and directly; while another power was ſought than that of the Monarch. His conceſſions went to enfeeble it in ſubſtance and futurity; with great loſs in authority,

thority, and no gain in favour. Their attacks, as in themſelves, were not againſt the crown: this happened only by combination and circumſtance. Their attacks, diminiſhing individual power, tended to augment public affection; and, in ſeeking another power than that now known, they yet ſought one known and exerted formerly. With the miniſter, it was the throne undermined, and the rights of the people placed on no ſolid foundation. With the Parliament, it was the royal power reſtricted and reſtrained, but the royal power ſecured and ſet faſt, by the regulation of its future exerciſe. The conceſſions of the miniſter having no principle from which they proceeded, had no limits ſet to them in which they might end. The demands of the Parliament proceeding from principles were bounded by principles. The ſame reaſons which might juſtify (or juſtified, for I examine not the meaſure) the eſtabliſhment of the *Cour-Pleniere*, might juſtify the formation of a new government. The reaſons which declared the power of taxation to be lodged in the States of the French monarchy, acknowledged, in their very enunciation, and guaranteed the old government. A wiſe miniſter would have met the Parliament boldly; have acknowledged their claims and refuſed them. A wiſe Parliament would have calmly told the miniſter; we know our claims of right, and for ourſelves, and for the people, if not timely yielded, will, in the due time, aſſert them.

Such acknowledgment, and ſuch refuſal, would have been ſecurity to the people, and reſtraint againſt the people. Such language, and ſuch delay, would have been admonition to the throne, and duty to the throne. Who ſhall balance great evils! Who eſpecially ſhall do this, in mixed ſubjects, where the good was not certain! Perhaps, France was pre-doomed to ruin. If ſhe was, the means were moſt admirably prepared in ſuch adminiſtration and ſuch Parliament. The King was deſerted on all ſides; and was attacked on all ſides. The monarchy was bared. He who takes the balance will pronounce———. Yet, is it more criminal to have deſerted than to have overthrown! It is more ignoble certainly; and covered leſs from a man's own ſight by falſe virtue and glory.

Let me here declare the juſt indignation which the perſecution of the Parliament, and individual members of the Parliament, excited in this country; and certainly ought to have excited every where. It was ſuch that reſiſtance againſt it gave to the perſon reſiſting (and from the reſiſtance alone) a high rank in the moral approbation. I once believed (I imagine the belief was general) that the Duke of Orleans was a true patriot and a good man.

Yet this perſecution of the Parliament was far from ſtrengthening the throne: I do not mean by its conſequences merely enfeebling authority through

through retroſpective reſentment; but immediately, and directly, and in inſtant act. I can only repeat here, what I have ſaid before. Meaſures of change weakened, while they altered what, meaſures of change might have ſtrengthened while they altered. The perſecution of the Parliament was accompanied with as much change, though not the ſame change, as if the Parliament had not been perſecuted. Their oppreſſion ſeemed to be only for the purpoſe of oppreſſion. It was ſo with the other Parliaments, all over the kingdom. One ſpirit guided in all.

In this manner, by weak and unprincipled conduct, every thing was thrown into confuſion and danger. Perhaps, it might have been better had there been no lighting up of the ſky, in the interval of the ſtorm. But how vain a thing are theſe reflexions.

Of Mr. Necker's adminiſtration I ſhall ſay nothing myſelf, till the meeting he thought proper to call of the ſecond Aſſembly of the Notables. But it is juſt to let Mr. Necker ſpeak of himſelf, as to the beginnings of his adminiſtration, and the ſituation of the kingdom. I do not at all controvert his facts; and it is right that he ſhould be heard in his own words.

" It was in the month of Auguſt 1788, that the " King intruſted me, for the ſecond time, with " the adminiſtration of the finances. I had been " exiled a little before; and my memory furniſh-

" ed other recollections that were not calculated
" to make me in love with the ſituation. I ſub-
" mitted, however, without reluctance; the ſtate
" of public affairs impoſed it on me as a law; and
" I looked in the face of difficulties with a reſolu-
" tion to conquer them."

" It was not long before I received a precious
" recompence for this ſacrifice of myſelf. The
" unfortunate events that had taken place in the
" courſe of the preceding year, had ſpread alarm
" through the kingdom, and agitated every mind.
" The frequent recourſe to beds of juſtice, the
" ſubverſion of the Parliaments, their prorogation
" *ſine die* by royal authority, the tranſlation of that
" of Paris to Troyes, the ſubſequent exile and im-
" priſonment of many of its members, the ſudden
" ſeizure of twelve gentlemen of Bretagne, their
" confinement in the Baſtile, and laſtly the eſta-
" bliſhment of a *Cour-Pleniere*, which, under the
" immediate eye of government, was to be hence-
" forth all that the people had to depend upon;
" theſe injudicious acts of authority, happening
" in the midſt of the fermentation that had long
" exiſted, excited in the provinces a kind of diſ-
" content and irritation, that ſeemed the certain
" preſage of a general inſurrection. An alarming
" commotion was on the point of breaking out at
" Grenoble, and the citizens had already arms in
" their hands, when the news arrived of the
" change that had taken place in the adminiſtra-
" tion;

" tion: their hopes immediately revived, and
" tranquillity was reſtored. A ſimilar revolution,
" ſucceeding to ſimilar ſtorms, put a ſtop in vari-
" ous other parts of the kingdom to the com-
" mencement of a civil war, and prevented cala-
" mities, the magnitude of which it is not poſſible
" to calculate. I received from every quarter the
" moſt flattering proofs of a confidence that for-
" cibly called me to the diſcharge of my duties.
" I underſtood theſe duties; I determined to obey
" the voice of the nation, which was not leſs ge-
" neral than it was in my opinion juſt. The ad-
" vantages I poſſeſſed, my eager deſire of the
" public good, my induſtry, the credit and eclat
" which always accompany the appointment of a
" new miniſter, when his appointment has been
" conſidered as neceſſary, were all of them faith-
" fully employed in the cauſe of equity and free-
" dom. The Parliaments were recalled to their
" functions, the exiles returned, all the priſons
" were thrown open; the idea of a *Cour-Pleniere*,
" and all the meaſures ſanctioned in the famous
" bed of juſtice, of 8th May 1788, were for ever
" annihilated; in ſhort, a general ſatisfaction, ce-
" lebrated by lively acclamations, which reſound-
" ed from one end of the kingdom to the other,
" took place; and bleſſings were beſtowed on the
" King for this juſt revolution, a revolution that
" called to the minds of the French, ever diſpoſed
" to love their ſovereign, the purity of his inten-

" tions, and his conſtant attachment to the public " good."

I ſaid I was not to controvert Mr. Necker's facts; and he has ſtated very honeſtly what he did, and was to be done. He might have ſtated more, without doing himſelf any more than juſtice. What he mentions of the *Cour-Pleniere*, is rather matter of opinion; though an opinion which Necker ſhould have known was contradicted by the fact; and which he can only be excuſed for miſtaking and miſtating (if it be an excuſe) by the ſecret operation of that principle, which leads a man to increaſe his own reputation in the reparation of evil, by holding out that as evil, in thoſe who went before him, which is not ſuch, or as containing more evil than it really has, or recording evil which has never happened. The *Cour-Pleniere* has been already declared (contrary to what is ſtated by Mr. Necker) to have been ſo completely a proviſional and temporary inſtitution, that its very eſtabliſhment contained the engagement of calling the General States, and fixed the time of the utmoſt delay in their convocation, as antecedent to the year 1792.

In this matter it may be right (as of very conſiderable importance) to inſert part of the Preamble to this Edict. After mentioning all the various reaſons, many of them exceedingly urgent, of the times themſelves, for creating this eſtabliſh-

ment,

ment, the preamble goes on to ſay, in the name of the King :—

" Yet, notwithſtanding all theſe motives, which " render the eſtabliſhment of a ſingle court (for " the purpoſe of regiſtration throughout the whole " kingdom) a thing of abſolute neceſſity, yet we " ſhould have had great difficulty in finally re- " ſolving upon it, had not this inſtitution been " founded upon the antient conſtitution of our " ſtates. We have found, that two kinds of aſ- " ſemblies make a part of the *French conſtitution*; " the occaſional aſſemblies of the repreſentatives " of the nation, to deliberate on public affairs, " and lay before us the public grievances, and the " permanent aſſemblies of a certain number of " perſons, to verify and promulgate our laws."

" Already we have ſolemnly announced, that " we are to call together the nation before 1792; " and we ſhall never fail to have recourſe to theſe " aſſemblies, when the intereſt of the ſtate de- " mands it. The other ſort of aſſemblies have at " no time been unknown in our realm. They " exiſted antecedently to our Parliaments; and " at the time when our Parliament of Paris firſt " became permanent and local. Gradually and " imperceptibly, the Kings our predeceſſors have " given up the uſe of this full and ſupreme court; " creating new Parliaments, by acts of their au- " thority. But while they erected theſe tribunals, " which they have ſucceſſively augmented in the

" number

" number of their members, they never intended
" to change the original conſtitution of the mo-
" narchy, which has remained always the ſame."

" Our Parliaments have thus been more or leſs
" multiplied. Each of theſe courts has been
" compoſed of a greater or leſs number of officers.
" The accidental forms have varied; but the fun-
" damental principle has undergone no change.
" One individual court was originally the depoſi-
" tary of the laws; and to re-eſtabliſh it, is not
" to alter, it is to revive the conſtitution of the
" monarchy."

" This re-eſtabliſhment is no new deſign in
" our councils. When by our *ordonnance* of the
" month of November 1774, we recalled to their
" functions the antient officers of our Parliaments,
" the experience of paſt times made us recollect,
" that it might yet happen in future that, going
" aſide from the purpoſes of their inſtitution,
" they ſhould enter into deliberations contrary to
" the good of our ſervice. In conſequence of this,
" and in order to ſubmit the judgment of the
" caſes of their forfeiture to a judicial tribunal,
" we gave beforehand their excluſive cognizance
" to our *Cour-Pleniere;* and we announced at that
" time formally, in an enregiſtered law, our in-
" tention of reſtoring it."

" It is, accordingly, for the purpoſe of enre-
" giſtering the laws common to all the kingdom,
" and in the caſe of the contravention of our or-
" dinances

" dinances by the other tribunals, and in order " to appoint judges even for *them*, that we now " put in execution the deſign, announced from " our acceſſion to the throne, of re-eſtabliſhing " our *Cour-Pleniere*, and that we thus regulate " the objects and the mode of its deliberations, " as well as the holding and order of its ſittings."

I did not, in the former part of this work, give any account of the riſe, hiſtory, or powers of the French Parliaments; nor was it neceſſary. The whole can be underſtood in a word; and here. They certainly had no check originally upon legiſlative power; for the legiſlature was not in the King. When afterwards (and as has been mentioned) the King, by no good admitted authority, but in practice ſometimes, made laws, theſe great courts of juſtice, by authenticating their exiſtence, were the inſtruments of their promulgation. On this account the Parliaments were ſtyled, in ſome of the meetings of the general ſtates of the nation, held after this uſage had begun, a model in miniature of the three eſtates; *une forme des Trois Etats raccourcie au petit pié*. It was, in this character alone and under this appearance, that they originally obtained that authority, which they afterwards in many inſtances (and eſpecially after the ſtates general had gone into diſuſe) claimed and exerciſed as a right, in oppoſition to, and with the great diſpleaſure of, the miniſters of the crown. The King's own court, however, what was known

at

at various times of the feudal government, under different names, and with more or leſs, and alſo different, powers; the *Aula Regis*, the Great Council, the Senate, in France the Cour-Pleniere; had this authority (if it was in its beginnings to be called authority) of authenticating and promulgating what the ſimplicity of the times, apprehending no evil from precedent, and feeling the neceſſity and good effects of regulation, allowed to be, and received, as laws. If any ſuch authority was now claimed or diſclaimed by the Parliaments, the miniſter thought he had them now fairly at a dilemma. They were courts of limited authority, and only within their juriſdiction. The *Cour-Pleniere* could act for the whole kingdom. The claim of the States General was ſuperior to both; and indeed incontrovertible. The miniſter did not controvert it. But till the meeting of the States; if the Parliaments refuſed to regiſter the taxing edicts, claiming the right of refuſal, or refuſed to regiſter the edicts, denying themſelves to have any right of regiſtration; in both theſe caſes, the *Cour-Pleniere* met them full in the face, having an older and more univerſal power of regiſtration; which ſuperſeded their power; which ſupplied their power; which excluded their power. To be ſure, it was ſtrongeſt in the way of competition. Perhaps, it was the Parliaments ſeeing this, which made them renounce (and eſpecially the Parliament of Paris) all right to interfere in matters

matters of taxation. The principle, at the ſame time, went to every thing.

The great queſtion in France, accordingly, was, not of general principles, in which all were agreed, or all pretended to agree, but of the immediate exertions neceſſary in the immediate circumſtances. The miniſter came with his *Cour-Pleniere*. The Parliaments oppoſed the States General. The miniſter defended himſelf by the example of the old conſtitution. He ſaid his innovations were reſtorations. The Parliaments required only the old conſtitution likewiſe; and demanded in this way, other and inſtant reſtorations. On all hands, and throughout every part of France, it was agreed that there was an old conſtitution; and it was as univerſally required that the old conſtitution ſhould be made the new conſtitution. The democratical metaphyſicians were ſilent. But they were on the watch.

I wiſh this matter to be particularly attended to, as a fact of mighty importance; and which nobody can deny. The contending parties in France reſted on the foundations of the old conſtitution every thing they did or claimed to do. There was not a public body in the kingdom which did not publiſh their addreſſes or remonſtrances on this ſubject; and they, all in one voice, aſſerted the old conſtitution, and claimed the old conſtitution.

The clergy of France, that perſecuted and undone body of men beyond all former memory, were

were as eager in this cauſe, as the reſt of the nation. A convocation of the clergy, aſſembled during the adminiſtration of the Archbiſhop of Sens, preſented a remonſtrance to the King, on the 15th of June 1788. In this remonſtrance they ſpeak thus:—

" Your Majeſty, in the bed of juſtice, of the " 8th of May, has made a great and ſignal change " of perſons and things; and the kingdom is with- " out judges and without tribunals. Juſtice and " the magiſtracy have been at all times an import- " ant object of conſideration in the national aſ- " ſemblies; and we have wiſe laws provided with " regard to their repreſentations. We might, " perhaps, hope that if ſuch a revolution, as has " taken place, is to be effected, it ſhould be the " *conſequence* rather than the *forerunner* of the " meeting of the States. This general overthrow " has been prepared with a myſtery, hitherto re- " ſerved for the operations of politics or war. " The conſtitution of this kingdom is ſuch, that " all the laws are planned in the private coun- " ſel of the Sovereign, but they are afterwards " verified and promulgated only in his public and " permanent councils. The remonſtrances, the " delays, and the privileges of the courts, are a " part of their duty and their obedience; and " your Majeſty, according to all the antient laws, " having confirmed in the edict of 1774, the right " of remonſtrances, has impoſed upon yourſelf the

" duty

" duty of hearing them; becauſe we live under
" a reſtricted government, which is guided and
" ruled, more by mutual communications, and
" conciliating counſels, than by ſudden execu-
" tions, which put fear in the place of confidence
" and love."

" The will of the prince, which has not been
" enlightened by his courts, may be looked upon
" as his *momentary will;* it is deſtitute of that ma-
" jeſty which ſecures execution and obedience,
" and has this effect only proviſionally, according
" to the language of our predeceſſors at the eſtates
" of Blois; while the judgments and the remon-
" ſtrances of your ſaid courts have not been heard
" in your council. The conſiſtency of maxims,
" the gravity of counſels, the ſolemnity of forms,
" and the majeſtical ſubmiſſion of the ſovereigns
" themſelves to the ordinances and the laws, give
" to empires a ſtable foundation, and to the laws
" themſelves a character ſacred and immortal."

" In the ſame ſitting, your Majeſty has promul-
" gated a decree, bearing the *re-eſtabliſhment of the*
" *Cour-Pleniere.* This court recals an antient
" name, without recalling antient notions. Al-
" lowing it to have been in old times the ſupreme
" tribunal of our Kings, it does not now preſent
" to our eyes that numerous aſſembly of prelates,
" barons, and vaſſals, all united in one body:
" The nation beholds in it only the tribunal of a
" court, whoſe compliances with ſuperior will it

" has always to dread; except perhaps in regen-
" cies and minorities, when it will have ſtill more
" to dread its power and its intrigues."

" The old *Cour-Pleniere* might be a court of in-
" dividual and univerſal reſort, when the king-
" dom was confined within narrow bounds. The
" *royal orders* had then no force, and received no
" execution, beyond *the domains of the King*. The
" other parts of the kingdom had a legiſlation,
" tribunals, and ſovereigns of their own. Nor-
" mandy, Guyenne, Dauphiny, Provence, Bri-
" tanny, and ſo many provinces beſides, have
" been reunited to the crown only under certain
" conditions; and abſolute juſtice and uniform
" laws would be for them *diſtributive injuſtice*."

The clergy of France ſaid a great deal more. What they ſaid, was ſaid, to the ſame purpoſe, throughout the whole kingdom. One great ſtand made by all, was on the diſtinctive immunities, and the peculiar and capitulated privileges of the provinces, which, in many ways, and at many times, had been united to the crown, from which, in the weakneſs of the ſucceſſors of Charlemagne, and in the ſeparate power of the feudal chiefs, they had come to be ſeparated. I have before remarked the ſingularity of this proceeding; and it can never ſtrike the mind without exciting ſurpriſe.

But the great and leading principles went to the reſtoration of the old ſtates in the old form. It was this which made the *Cour-Pleniere* (though

*announced*

*announced legiſlatively* in the adminiſtration of *Turgot*) an object of ſuch alarm and even deteſtation. Mr. Necker has, in the paſſage I have quoted, ſpoken in the ſame manner; and too ſtrongly and extenſively. It was right to ſee what was the preciſe footing upon which the adminiſtration placed it, and the grounds upon which it was reſiſted by the nation. And it is an example, which ſhould have its effect, (and in ſome of the things laſt ſtated, particularly) when we ſee both the ſpirit and patriotiſm of the clergy, and have ſince known its reward.

Perhaps it may be thought that I ſhould cenſure the clergy as I have cenſured the parliaments; eſpecially the Parliament of Paris. I ought not to do it. The clergy had a title to be much more ignorant of the real ſituation of affairs. And they did not (and indeed they could not) enter upon a ſtate of complete and determined hoſtility to the exiſting government.

I have not, it is alſo to be obſerved, to defend the *political antiquities* of either the miniſter, or the oppoſers of the miniſter. In many reſpects they are right; and in ſome they are wrong. Nor do I ſay that the nation of France had not a right to eſtabliſh their legiſlation on a broader footing (no broader, in my opinion, than it originally exiſted) than what is held forth in many of the addreſſes and remonſtrances, as having been the old

conſtitutional law. But the nation were at one on this important point that they had a conſtitution, and that it ought to be reſtored.

The abandonment by Necker of the ſchemes of his predeceſſor, was far from having any immediate effect to weaken the authority of government. Had the abandonment been made by the former adminiſtration itſelf, it muſt have impaired the authority of the government greatly. But in Mr. Necker the nation placed ſuch confidence, and he had by his great popularity ſo great power, that the very act of yielding to the people was an act of authority, and a demonſtration of ſtrength. It might be truly ſaid, that government had recovered more energy than it had poſſeſſed for many years paſt; and it was neceſſary only to retain it, that the people ſhould not be admitted, *as the people*, upon any general undefined principles of equity, or with the vague hopes of accompliſhing ſome general good, to any immediate ſhare or partnerſhip in thoſe counſels of the government, which, by calling the States, were to provide a laſting and proper organ for the conveyance of the people's wiſhes, and a certain and ample ſecurity and inſtruments of the people's power. This was to be done. Certainly it might have been done. It was not beyond human wiſdom. Yet he who looks back is not entitled to judge (at leaſt he ought to be a diffident judge) of him who looked onward.

I ſhall

I ſhall come to this matter preſently. But there is a fact mentioned by Mr. Necker; which muſt firſt, alſo, be more fully ſtated.

He mentions the ſeizure of twelve gentlemen of Bretagne, and their confinement in the Baſtile, during the former adminiſtration. Mr. Paine has alſo ſpoken of this fact; and it is right to give Mr. Paine's words. They are thus:

" About the ſame time a deputation of perſons " arrived from the province of Brittany, to re- " monſtrate againſt the eſtabliſhment of the Cour- " Pleniere; and thoſe the Archbiſhop ſent to the " Baſtile."

This is all. But much more is ſaid by it than by ſaying more. We ſhall have to turn our eyes to Bretagne in a ſhort time; and it is right previouſly to have a better acquaintance with this matter of fact.

Five Counts, ſix Marquiſſes, and one Viſcount, (twelve gentlemen in all) of the firſt families in Bretagne, were the " deputation of perſons" mentioned by Paine, and were thrown into the Baſtile by the French miniſter, for claiming liberty to France, and the French conſtitution. This was the reverence paid, before the days of democracy, and preparing things for theſe days, to the nobility of France. Yet it was a diſtinction of its kind. I do not know, till I be informed, that there was ever any perſon below the degree of nobility (unleſs ſome men of letters, and one or two even

of *them* were gentlemen) confined in the Baſtile. At the ſame time, this was a moſt unjuſt ariſtocratical diſtinction; and if it could not be aboliſhed in any other way, I ſhall not much complain, as conſidering the thing merely in itſelf, (in its accompaniments it was horrible!) of the demolition of that priſon; moſt unlawful, and dangerous in the example, as the demolition of that priſon, or of any priſon, moſt certainly is.

However, in the Baſtile theſe twelve gentlemen were put, and there they for ſome time remained. They came out, notwithſtanding, afterwards, as in thoſe days, ſafe and ſound; having been neither murdered in priſon, nor eaten by the mob in the ſtreets. France had then the Baſtile, which was a ſore evil; but ſhe had not yet got her national guards and national aſſemblies, a much ſorer.

I was going to ſay that the gentlemen of Bretagne diſplayed a greater ſpirit of reſiſtance to the meaſures of the miniſter than appeared any where beſides; but this would be ſaying more than can be aſcertained; the ſpirit of reſiſtance was ſo ſtrong and general. Their remonſtrances would alſo be (and are; for they are preſerved;) memorable monuments of the times. I do not blame the country gentlemen in France as I have blamed their Parliaments; they were bound to feel affronts, and not bound to know the exact conſtitutional meaſures or means of reſiſtance and reparation. They ſaw their provinces deprived of their antient magiſtracies;

magiſtracies; and in conjunction with theſe magiſtracies themſelves, they oppoſed the new order of things; honeſtly, and zealouſly, and, to their own ſore loſs, greatly without knowledge. I do not mean knowledge of what they ſaid; for, in this reſpect, they might have depoſited their remonſtrances in public libraries (and, perhaps, I thus take away the excuſe I have given them); but in what is worth all other knowledge of all other kinds, the providence of futurity and knowledge of conſequences.

The twelve gentlemen of Bretagne, whom the miniſter ſent to the Baſtile, as they came with the authority of every thing that was noble in their own country, were ſupported at Paris by every thing that was noble there, from that province. They were commiſſioned to demand an audience perſonally of the King; and were, for that purpoſe, to have gone, as in a ſort of ſtate entry, to Verſailles. The miniſter ſtopped their journey.

The nobles of Dauphiny had been at Paris on the ſame errand. They were not received at Court; but ſuffered nothing beſides of perſonal infliction. It is worſe a great deal than the abſolute fabrication of falſehoods, to give a narration of theſe facts, without mentioning who they were, and to what order of the ſtate they particularly belonged, who thus oppoſed the meaſures, and thus ſuffered under the power, of this adminiſtration. It is a cruel circumſtance, to look back on

the gentry of a whole nation thus generouſly, yet criminally, deſtroying themſelves. And in a cauſe (the heart of man cannot ſtand it!) which was to end, on the part of that people whom they ſerved, in the plunder of their eſtates, their own murder, and the maſſacring of their families.

The royal interpoſition was judged abſolutely neceſſary, to ſtop finally this oppoſition to government from the whole provincial nobility of France. Priſons, ſuch even as the Baſtile, were not enough. In the ſame adminiſtration of the Archbiſhop of Sens, and on the 20th of June 1788, an *arrêt* appeared, ſuppreſſing all deliberations and proteſtations as to the meaſures taken in the Bed of Juſtice, of the 8th May preceding. It is far from being an incurious document, this; but I have dealt greatly more in this ſort of thing than I ever thought of doing here; and it is much too long, beſides, for inſertion.

Among other charges which it is anxious to refute, this arrêt mentions one particularly, of the new edicts being accuſed of turning the conſtitution into an *ariſtocracy:* And it dwells with peculiar emphaſis (as a matter neceſſitating this ſtrong proceeding) upon the remonſtrances having ſtated the meaſures as deſtructive to the French monarchy. This arrêt again declares, that the King was to aſſemble, and to continue as an ordinary means of his government, the ſtates of the nation.

But

But I had come down to the length of Mr. Necker; and though, retracing his obſervations and facts, I have not without cauſe gone back, I muſt yet ſtay here no longer. Mr. Necker had all thoſe things to do away, and to compoſe all theſe troubles. His name really operated like a charm; and it was a charm in the hands of a man, whoſe mind wiſdom had informed, and experience in the world greatly taught and tutored. I know it is (or has been) the faſhion to talk lightly of the abilities of Mr. Necker. Thoſe that chuſe to do ſo will, no doubt, ſtill do it, whether I chuſe ſo or not. But I certainly ſhall never join them.

However, Mr. Necker ſoon appeared himſelf to diſtruſt very much his own wiſdom; a diffidence fatal to him and fatal to France. A ſort of general invitation to the council board was given to all and ſundry; and a plan was in every caſe a paſſport. Mr. Necker afterwards lamented bitterly the pamphlets which covered the face of France; but this *pitchy cloud* which darkened her coaſts, was of his own raiſing.

But as if advice did not come in faſt enough, by this way, Mr. Necker called together the Notables of the kingdom, to give their opinion on the preliminary meaſures to be arranged and fixed for the aſſembly of the States. This matter led to great and immediate evil.

" The ſpeedy convocation of the States Gene-
" ral being once determined upon, it was deſirable

" and neceſſary to employ the moſt active atten-
" tion" (I am quoting Mr. Necker) " to the
" mode in which it was to be done, and to adopt
" in this reſpect a reaſonable and prudent choice.
" The Parliament of Paris, by the vote with
" which it accompanied the regiſter of the King's
" declaration of the month of May 1788, had at-
" tempted to oblige the monarch to form it on
" the model of the States aſſembled at Paris in
" 1614. The national wiſh, and the improve-
" ment of the age, oppoſed this form; and the
" difficulties and great inconveniencies attending
" it, were exhibited in the preamble of the arrêt
" of council, of 5th October 1788; and the ſame
" truth was laid open in a number of ſubſequent
" writings. I thought it abſolutely neceſſary to
" introduce ſome weighty opinion, as a counter-
" balance to this deſire of the firſt Parliament in
" the kingdom; and I propoſed to the King to
" conſult, on this important queſtion, the Notables
" of the realm."

We have here Mr. Necker's reaſons; and you will judge of them, Gentlemen. By the arrêt, which he mentions, the meeting of the Notables was appointed as for the third of November next; two months afterwards. But the arrêt did not confine itſelf to this. It went, at great length, into other conſiderations; and decided itſelf the queſtion which it called the Notables to decide.

In

In that arrêt the King is made to inform his people, that, propoſing to aſſemble the States in the enſuing January, he had cauſed reports to be laid before him of the different forms which had been practiſed in this matter, in the different periods of the monarchy; and that, from theſe reports, the forms appeared to have differed with each other in many eſſential reſpects.

Here was a great change. The King of France becomes the hiſtoriographer, or antiquary of his kingdom; and, in this new and ſtrange character beſides, of all the qualities belonging to it, he diſplays only the ignorance. His reſearches end in indeciſion, and beg counſel.

Yet ſtill the inconſiſtency is kept up of ſeeking advice and acting without getting it; and the people of France are informed ſtill more of the uncertainty as to the powers and forms of the States, and thus ſpirited on to make them, juſt what themſelves ſhould wiſh.

The King is made to go on, ſaying, that he ſhould have wiſhed the ſame form and principles to take place now as in the laſt meeting of the States, and that *they* ſhould have ſerved as a model in all points. But, no; for his Majeſty had perceived that many of the former circumſtances would not eaſily accord with the ſituation of the preſent times, and that others of them had been oppoſed by arguments worthy of being weighed. Here again is the French Monarch made a reader and

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an anfwerer of pamphlets. The reign of democracy was anticipated; and the pen, and the type, and the printing preſs, quartered along with the fleur de lys. But what were the circumſtances in the States laſt held which could not accord with thoſe to be held now? Alas! alas! the King is made to tell his people, that the old *repreſentation* was very defective, and that *He* wiſhed for, and had planned, and meant to introduce a new and more complete one. All this conduct makes the ſubſequent tranſactions the blacker and more hideous. Of this no human being will for the length of a moment doubt. But for the King previouſly to reform, was putting the crown wholly at mercy. I am ſpeaking of the impolicy of the government here; not of the treachery which followed. It was the cleareſt principle in all political ſcience, that the States ſhould have met exactly as they met laſt. The differences between the different meetings of the States were not ſo great as the *arrêt* holds them to be. Yet let them have been as great, or greater, the principle equally remained. Take it as a matter of variation and uncertainty; and where was the policy and law of the thing? Here, moſt unqueſtionably, that in a thing of doubt, the States meeting as they met laſt, ſhould themſelves regulate, along with the King, how they were to meet in future. If any men, either by writing or ſpeaking, claimed it as a right, and upon general grounds, that the States ſhould be reformed before they met; inſtead of this

this being a reaſon for compliance, it was a reaſon (if there had been no other) for abſolute refuſal. This principle of right and generality once admitted, left, not merely no monarchy, but no government. Reformation then came from any quarter, and all quarters, and no quarter. It had neither principles, nor objects, nor agents. The KING had no title to reform or innovate upon the holding or powers of the States; for this was to make them, not a co-ordinate legiſlative power, in concurrence with and not infringing upon his royal authority, nor even an independent body, with an acknowledged, and in the circumſtances effectual, power of remonſtrance, but a mere emanation from his will, and dependent, in their conſtitution and ſubſtance, wholly on his pleaſure. The STATES themſelves had no title nor power to this effect; for the States were not yet in exiſtence. The PEOPLE had no title; and, were it poſſible, ſtill leſs; for what or where was the people? If any *government* was to be made at all, (and even had the idea *then* been to change every thing) the States, it was neceſſary, ſhould firſt meet, as they had met before, that a delegated body, for the purpoſes of reformation or revolution, might be appointed by them, or not appointed, or that themſelves might be new modelled, if this was to be done; that the nation might ſee whether the old States would ſerve, whether new States were neceſſary, or whether (going to ſome other ſcheme) there

there ſhould be no States at all. Upon even the wildeſt ſchemes of change and deſtruction, it was yet impoſſible to deſtroy by principle, and without abſurdity, unleſs the States met juſt as the States had met before, if they were at all to meet.

Surely this matter is clear; and the King of France was brought forward to recommend, and afterwards to exerciſe, an act, for which he had no competence; and which was to deſtroy all his other competence for any thing. It was the moſt ſtrangely complex act of wrong ever done among nations. It was an act of ſheer deſpotiſm; for (I talk of what was done as if it had been already done) it made the King, not only call together, as he had the power of calling together, the States of the kingdom, but it made him the arbiter of their conſtitution and exiſtence; which the law of the land, and the people's natural rights, prohibited him to be. It gave the crown a power, which the crown never had, and never claimed. It was an act creative, and declaratively creative, of ſheer anarchy; for while it ſtated every thing to be uncertain *formerly*, and called in *now* opinions of weight to balance other opinions of weight, the power thus aſſumed to the crown, was in name indeed *power*, but in effect only *opinion*, and not the ſtrongeſt opinion neither; making any of the bodies, or all the bodies, or, if the people choſe it, none of the bodies, in the kingdom, but themſelves collectively, the unprincipled arbiters of what were to be the organs of

of government, and government itſelf; contrary to the laws, into whoſe obedience they were born, and to their natural popular rights, which by the compact, that made them a nation, were prohibited from being in this manner taken away. It gave the people powers, which the people never had, and never at any time claimed, under the ſocial union. It was an act completely deſtructive of the fundamental laws in times paſt, and of the poſſibility (upon its principle) of there being any fundamental laws in after times. It was an act of great violence and great weakneſs; great violence upon the people's rights, and great weakneſs in yielding to the people's power.

Yet it was much in the ſpirit of modern legiſlation. I do not mean in the intention of Mr. Necker, nor of his royal maſter, who were very different men from the modern lawgivers of Europe, but in the compoſition, grounds, and formation. It was in this manner that Joſeph legiſlated in our days; in all reſpects except the intention. The object was run at, as if they had been hunting the ſteeple. The democratic lawgivers of France (not ſpeaking of their crimes) diſplayed this legiſlative inſanity in its height. The memory of the Emperor Joſeph owes much to them. The abſurdity of his legiſlation, formed on their French principles, is forgotten in the madneſs of that nation; which has alſo produced men of blood, the fit inſtruments of ſuch lawgiving, who drive from our memories

mories (what could otherwiſe have never been) the Emperor's friends, Dalton and Enſign Wuchetigh.

Accordingly, inſtead of the *reclamations*, of which Necker ſpeaks, giving a reaſon for the meaſures he entered upon; they were the very reaſons againſt the meaſures. Thoſe who thus wrote or ſpoke (after the *amende honorable* made to the nation by the firſt meaſures of this miniſtry) ſhould have been ſent to the Baſtile; or, if that name terrifies any body (as in the caſe of children with *fi, fa, fum*) they ſhould have been ſet in the pillory, or whipped at the cart's tail. To act otherwiſe, was to ſay, that there was neither law, nor liberty, nor authority, nor reaſon, in France.

But what was ſtrangeſt of all in this ſtrange proceeding, was, the miniſter's not merely complying with the wiſhes of thoſe (perhaps even at the beginning a majority in the lower ranks) who wiſhed that the States ſhould meet otherwiſe than they had met in the year 1614, but his giving the royal ſanction previouſly and expreſsly to theſe notions, and diſcountenancing, as far as the royal authority could diſcountenance any thing, the opinions held on the contrary ſide. It is ſtrange that Mr. Necker did not guide himſelf by his own very wiſe and truly ſtateſman like maxim, by which the King, in a ſubſequent period, declined (till he was forced to it by the threats and execution of murder) to ſanction the declaration of the rights of man.

ſhan. I take the King's ſpeech here, as the ſpeech of the miniſter. I make no doubt, at the ſame time, of their being the King's own ſentiments, as well as thoſe of the miniſter. On this ſubject of ſanctioning their (the conſtituting aſſembly's) declaration of the rights of man, the King ſaid:—

" I ſhall not give my ſentiments at large re-
" ſpecting your declaration of the rights of man
" and a citizen. It contains ſome very excellent
" maxims, proper to guide you in your delibera-
" tions: but principles vague in their application,
" and ſuſceptible of various interpretations, can-
" not eaſily be appreciated; nor is it neceſſary till
" their ſenſe be accurately fixed by the laws to
" which they are to ſerve as the baſis."

Certainly this declaration is more favourably ſpoken of here, than it will be treated by poſterity. But, leaving its merits, and viewing only the reaſons for not ſanctioning otherwiſe, the principle applied, more forcibly ſtill, to the claims for altering the mode of holding the States. It went to refuſe compliance, upon demand; becauſe the States *themſelves* were to deliberate upon this, as upon all the other matters for the intereſt of the kingdom. It went, much more, to prevent any formal declaration on the part of government, recommending or authoriſing the new claims; for the very ſame reaſon, applying more ſtrongly, and for a thouſand other reaſons.

Neither

Neither could Mr. Necker ſay—*res duræ, et regni novitas me talia cogunt moliri—*; for while he was called to a troubled ſcene, the acceptance of the call defined the duty of the ſtation. It was to reſiſt and relieve the people. In matters of change, the people could change faſt enough without Mr. Necker and againſt Mr. Necker. To the popular *momentum* he threw in the whole weight of the crown.

Yet let me here again remark, that he who ſpeaks beſt on this matter now, ſpeaks at the ſame time now with the great advantage of retroſpective wiſdom. A very able man might at that time loſe his way in generalities. But this is the reaſon itſelf, why theſe fatal errors ſhould be declared; while the mind is, at the ſame time, naturally anxious to avoid (in ſuch a caſe as that of Mr. Necker) the imputation of ſtating them as crimes.

I could not go on without again obſerving this; but having obſerved it, I have further to obſerve, what I juſt now ſtated, and which increaſes the evil and confirms the excuſe, that the people of France had, at this time, and for a long time, the utmoſt and implicit confidence in Mr. Necker. In ſuch a ſituation, how eaſy was it to have reformed with ſtability and principle, with efficacy and limitation! In ſuch a ſituation, how eaſy was it, full of love and affection for thoſe who you thought deſerved it, to apprehend

apprehend no dangers from allowing them to proceed in their own way! Eſpecially when that way was, in many general conſiderations, pointed out as the beſt way by the very finger of reaſon.

For I always have been, and am, very greatly perſuaded, that the *Tiers-Etat* was entitled to a double repreſentation in the General States; ſo as to be on a footing of equality, in matter of numbers, with the two other orders. Mr. Necker has defended himſelf very ably on this head by miſſtating the queſtion.

He enters into a defence of his conduct in this matter, as if the point of deliberation were, how, and to what extent, the *Tiers-Etat* ſhould be repreſented. This is alſo done in the *arrêt* of the King. In it, too, the imperfect repreſentation, confined by the old inſtitutions to the *Good Towns*, and which excluded many conſiderable cities that had riſen ſince, is both ſtated as an exiſting grievance, and as a matter of future redreſs. Where changes ſo conſiderable and many were to be made, as in the reformation of France, I am far from ſaying that this laſt might not have been gone about alſo. There was a kind of breaking up of every thing underſtood on all hands as to take place; and retaining the great ſubſtantial portions of the former government, and its monarchical eſſence, all the reſt, melted down, might have been caſt over again; with change of ſhape, or addition of matter, as the thing itſelf required. In ſo

univerſal a change, a ſcope might be given to reaſonable ſpeculation, which, in the removing of partial and incidental evils, would have been madneſs and wickedneſs and treaſon. But to hold this out as the language of the throne, previous to the aſſembly of the States, and independent of the aſſembly of the States, was the ſin of which the expiation has been ſo grievous. And to defend the general principle, in ſpeculation and abſtractedly, when it was in relation to its conſequences and effects alone that the principle was to be conſidered at all, was more idle than the ſpeculation itſelf could be, in the eyes even of him who thought it the idleſt.

Much has been ſaid, and may be ſaid, in favour of more extenſive repreſentation, as a general theſis; and, with all the proper limitations and circumſtances, it may be very extenſive and very uſeful, notwithſtanding. Something upon this may be ſaid afterwards. But I am much clearer on the ſubject of the *double repreſentation* (as it was called) of the *Tiers-Etat;* and I was and am much moved by the arguments of Mr. Necker. But in the way in which he acted, (and that is what he ought to have anſwered) to give the *Tiers-Etat* this double repreſentation was making the *Tiers-Etat* the whole ſtate. Much more ought this to have been denied them, when they demanded it as a right. The eagerneſs and boldneſs of demand was demonſtration to blindneſs almoſt itſelf, of the

uſe

uſe that was to be made of poſſeſſion. Had the *Tiers-Etat* got their repreſentation extended, either as to the number of electors or perſons elected, by the States themſelves, and in the way of grave deliberation; whatever good was in it would have been completely procured, and with complete ſecurity; and if there was any evil (which I do not think), the evil would have been wholly, or moſtly, avoided. Perhaps Mr. Necker's defence is ſo bad, as to heighten the accuſation. The more reaſons there were for a change of repreſentation in the *Tiers-Etat*, very plainly and moſt conſequently the more reaſons there were, for this being no previous labour of the miniſter, but of the States themſelves. It was a great national concern, to be debated by the nation, and in its national form; that is by the national States, aſſembled legally, and with the avowed purpoſe, and no other purpoſe, of change, great and material change, and of thorough reformation. Why were they held unequal to their buſineſs; or if unequal why called?

With all this, notwithſtanding, there might have been arguments uſed (had the matter been allowed to come to argument) that probably might ſhew that my notions of the increaſe of the repreſentation in the *Tiers-Etat*, as to be made afterwards, were wrong. Upon any ſpeculative point, where I cannot get beyond ſpeculation, I never have been, and never will be poſitive. But, at

all events, it was not to be ſettled by the miniſter; nor ought he, nor had he power, to give any opinion.

Mr. Necker has defended himſelf alſo very needleſsly againſt another accuſation; that of calling together the States at all. This he mentions as a matter of high charge againſt him by ſome. Nor do I queſtion that there were many men in France exceedingly averſe to the calling of the States, or to any thing elſe that looked like the beginnings of a better government and reformation. There have been and will be ſuch bad men at all times. Their oppoſition or accuſations ought to have had this effect: They ſhould have made the miniſter take every precaution, that the longeſt look into futurity, and the deepeſt conſideration of what immediately paſſed before him, could furniſh and ſuggeſt, in order that their oppoſition might not afterwards be regretted as unſucceſsful, and their accuſations in the light of conſequences viewed as truths. It was right, moſt clearly right, to call the States; but not to ſo call them. As it has been—*Xanthum et Simoenta redde, oro, miſeris*—is now the exclamation of liberty itſelf.

I have ſtrove with myſelf not to put it here; for the quotation is long; but its high wiſdom and eminent uſefulneſs will not allow me not to inſert it. It is the *doctrine* of reformation, laid down by the great ſtateſman who has ſaved his country and Europe.

" If

" If there is any one eminent criterion, which, " above all the reſt, diſtinguiſhes a wiſe govern- " ment from an adminiſtration weak and impro- " vident, it is this—*well to know the beſt time and " manner of yielding, what it is impoſſible to keep.*— " There have been, and there are, many who chuſe " to chicane with their ſituation, rather than be in- " ſtructed by it. Thoſe gentlemen argue againſt " every deſire of reformation, upon the principles " of a criminal proſecution. It is enough for them " to juſtify their adherence to a pernicious ſyſtem, " that it is not of their contrivance; that it is an " inheritance of abſurdity derived to them from " their anceſtors; that they can make out a long " and unbroken pedigree of miſmanagers that " have gone before them. They are proud of the " antiquity of their houſe; and they defend their " errors as if they were defending their inherit- " ance: afraid of derogating from their nobility; " and carefully avoiding a ſort of blot in their " ſcutcheon, which they think would degrade " them for ever."

" It was thus that the unfortunate Charles the " Firſt defended himſelf on the practice of the " Stuart who went before him, and of all the Tu- " dors; his partiſans might have gone to the Plan- " tagenets.—They might have found bad exam- " ples enough, both abroad and at home, that " could have ſhewn an antient and illuſtrious de- " ſcent. But there is a time, when men will not

" ſuffer bad things, becauſe their anceſtors have
" ſuffered worſe. There is a time, when the hoary
" head of inveterate abuſe will neither draw reve-
" rence, nor obtain protection. If the noble Lord
" in the blue ribbon pleads, *not guilty*, to the
" charges brought againſt the preſent ſyſtem of
" public œconomy, it is not poſſible to give a fair
" verdict by which he will not ſtand acquitted.
" But pleading is not our preſent buſineſs. His
" plea or his traverſe may be allowed as an an-
" ſwer to a charge, when a charge is made. But
" if he puts himſelf in the way to obſtruct reform-
" ation, then the faults of his office inſtantly be-
" come his own. Inſtead of a public officer in an
" abuſive department, whoſe province is an ob-
" ject to be regulated, he becomes a criminal who
" is to be puniſhed. I do moſt ſeriouſly put it to
" adminiſtration, to conſider the wiſdom of a
" timely reform. Early reformations are amicable
" arrangements with a friend in power: Late re-
" formations are terms impoſed upon a conquered
" enemy; early reformations are made in cool
" blood; late reformations are made under a ſtate
" of inflammation. In that ſtate of things, the peo-
" ple behold in government nothing that is re-
" ſpectable. They ſee the abuſe, and they will
" ſee nothing elſe. They fall into the temper of
" a furious populace, provoked at the diſorder of
" a houſe of ill fame; they never attempt to cor-
" rect or regulate; they go to work by the ſhort-

eſt

" eſt way. They abate the nuiſance, they pull
" down the houſe."

" This is my opinion with regard to the true
" intereſt of *government*. But as it is the intereſt
" of government that reformation ſhould be early,
" it is the intereſt of the *people* that it ſhould be
" temperate. It is their intereſt, becauſe a temperate
" reform is permanent; and becauſe it has a prin-
" ciple of growth. Whenever we improve, it is right
" to leave room for a further improvement. It is
" right to conſider, to look about us, to examine
" the effect of what we have done. Then we can
" proceed with confidence, becauſe we can pro-
" ceed with intelligence. Whereas in hot reform-
" ations, in what men, more zealous than conſi-
" derate, *call making clear work*, the whole is ge-
" nerally ſo crude, ſo harſh, ſo indigeſted; mixed
" with ſo much imprudence, and ſo much injuſ-
" tice; ſo contrary to the whole courſe of human
" nature and human inſtitutions, that the very
" people who are moſt eager for it, are among the
" firſt to grow diſguſted at what they have done.
" Then ſome part of the abdicated grievance is
" recalled from its exile, in order to become a
" corrective of the correction. Then the abuſe
" aſſumes all the credit and popularity of a re-
" form. The very idea of purity and diſintereſt-
" edneſs in politics falls into diſrepute, and is con-
" ſidered as a viſion of hot and inexperienced
" men; and thus diſorders become incurable, not

" by the virulence of their own quality, but by
" the unapt and violent nature of the remedies.
" A great part, therefore, of my idea of reform
" is meant to operate gradually; ſome benefits
" will come at a nearer, ſome at a more remote
" period. We muſt no more make haſte to be
" rich by parſimony than by intemperate acquiſi-
" tion."

" In my opinion, it is our duty, when we have
" the deſires of the people before us, to purſue
" them, not in the ſpirit of literal obedience,
" which may militate with their very principle;
" much leſs to treat them with a peeviſh and con-
" tentious litigation, as if we were adverſe parties
" in a ſuit. It would, Sir, be moſt diſhonourable
" for a faithful repreſentative of the Commons, to
" take advantage of any inartificial expreſſion of
" the people's wiſhes, in order to fruſtrate their
" attainment of what they have an undoubted
" right to expect. We are under infinite obliga-
" tions to our conſtituents, who have raiſed us to
" ſo diſtinguiſhed a truſt, and have imparted ſuch
" a degree of ſanctity to common characters. We
" ought to walk before them with purity, plain-
" neſs, and integrity of heart; with filial love, and
" not with ſlaviſh fear, which is always a low and
" tricking thing. For my own part, in what I
" have meditated upon that ſubject, I cannot in-
" deed take upon me to ſay, I have the honour
" *to follow* the ſenſe of the people. The truth is,

" I

" *I met it on the way*, while I was purſuing their " intereſt according to my own ideas. I am hap- " py beyond expreſſion, to find that my inten- " tions have ſo far coincided with theirs, that I " have not had cauſe to be in the leaſt ſcrupulous " to ſign their petition, conceiving it to expreſs " my own opinions, as nearly as general terms " can expreſs the object of particular arrange- " ments."

And elſewhere, it is further ſaid:—

" We muſt follow the nature of our affairs, and " conform ourſelves to our ſituation. If we do, " our objects are plain and compaſſable. Why " ſhould we reſolve to do nothing, becauſe what " I propoſe to you may not be the exact demand " of the petition; when we are far from reſolv- " ed to comply even with what evidently is " ſo? Does this ſort of chicanery become us? " The people are the maſters. They have only " to expreſs their wants at large and in groſs. We " are the expert artiſts; we are the ſkilful work- " men, to ſhape their deſires into perfect form, " and to fit the utenſil to the uſe. They are the " ſufferers, they tell the ſymptoms of the com- " plaint; but we know the exact ſeat of the diſ- " eaſe, and how to apply the remedy, according " to the rules of art. How ſhocking would it be " to ſee us pervert our ſkill, into a ſiniſter and " ſervile dexterity, for the purpoſe of evading our " duty, and defrauding our employers, who are

" ou

" our natural lords, of the object of their juſt ex-
" pectations !"

It was in this manner that Mr. Burke pleaded the cauſe of reform in the year 1780; with the ſame principles he had diſplayed formerly, and which he now diſplays. I do not remember, whether I have formerly obſerved it, what muſt be ſo obvious to all the readers of Mr. Burke's works, how much, when pleading even againſt ſtrong and unjuſt oppoſition, he is diſtant from the advocate, and is wholly the inſtructor. Here he was pleading for reformation; moſt neceſſary reformation, and reformation violently oppoſed. With the ſtrength of the people on his ſide, he yet *holds* that ſtrength as powerful only to any ſalutary purpoſes, by acting in the line of legiſlative reaſon; and their authority he holds as going only to general expreſſion, which is to be formed into language and legal ordinance by wiſdom which is not theirs. The people here were not, as in France, held to be judges of what ſhould be done in detail; nor were plans and ſchemes and projects called for and received from every political ſpeculatiſt. No other power was acknowledged on the part of the people (but that power was acknowleded in terms the moſt direct) than the power of requiring from government, from government inſtituted and exiſting only for the people's benefit, that its adminiſtration ſhould be adapted to its purpoſes; that every thing productive of good to

the

the governed ſhould be taken into it as an improvement, every thing operating as a grievance to them ſhould be taken away as an evil; while in this laſt caſe, the people's demands were much more to be regarded, as being much more competent judges of the preſſure of evils, than of the probabilities of good, and as to this laſt indeed, neither knowing nor ſeeking them (unleſs as a pretence of rebellion), but when the evils were of that kind, as to point by a ſort of natural demonſtration to the remedy. The will of the people, thus authenticated as the people's will, was a thing of great power. It was paramount to all power, that excepted, which controuls the people as well as kings. " But indeed it is NECESSARY" (the plan of reformation, Mr. Burke ſaid, and putting the matter on the ground of *neceſſity* alone) " that the " attempt ſhould be made. It is neceſſary from " our own political circumſtances; it is neceſſary " from the operations of the enemy; it is neceſſary " from the demands of the people; whoſe de- " ſires, when they do not militate with the ſtable " and eternal rules of JUSTICE AND REASON (rules " which are above us and above them) ought to " be as a law to a Houſe of Commons." Above theſe rules the legitimate will of the people never wiſhes indeed to riſe. This follows from its very definition. Nor can the authority of government, in all or in any of its portions, even in the moſt popular, go beyond the *truſt* which the people has given,

given, ſo as to violate (by not reſiſting their unprincipled deſires), thoſe grounds of juſtice and reaſon, upon which the truſt was beſtowed and for which it exiſts. The mutual ſecurity of government and people is founded on this baſis of ſtrong right. No will of the people can go againſt it, nor be of any avail even as general expreſſion; while the moſt powerful and divine popular energy, that neareſt to reaſon and juſtice and moſt allied with them, operating as the ſtrongeſt general law of action, is ſtill no law for the meaſures, means, for the extent, or the particular modes of acting. It is an evil government (if government it be) where the people's voice is unknown. It is an evil government (and may be far worſe) where the people are (that is, without principle claim to be; for they never are) the governors.

The wiſdom of the paſſages I have taken from Mr. Burke is much broader than to the point we are conſidering here, Gentlemen. His authority, too, as in thoſe times, ought to be deciſive with you. But I dwell on this matter no longer; nor on the contraſt between the principles here eſtabliſhed for reformation, and thoſe which appear to have guided in France.

It was to be expected, the Notables being ſummoned to give their judgment on this deliberation of legiſlative policy, that their judgment was to be final in the affair. By the declaration of the miniſter in the name of the King, and the publiſhed

*arrêt*,

*arrêt*, it was evident what their determination was wiſhed to be; but it could not be ſuppoſed (otherwiſe why were they called?) that if they made a contrary determination, it was not to ſtand. Yet this did not happen.

Mr. Paine (in his way of writing) has given ſome account of this meeting of the Notables. "This body," he ſays, "was in general intereſted "in the deciſion, being chiefly of the ariſtocracy "and the high-paid clergy; and they decided in "favour of the mode of 1614. This deciſion was "againſt the ſenſe of the nation, and alſo againſt "the wiſhes of the court; for the ariſtocracy oppoſed itſelf to both, and contended for privi"leges independent of either." I mean nothing more by putting this quotation of Mr. Paine here, than to put thoſe in mind, who admire his narrative, and take him as their hiſtorical guide, that the royal authority (by Paine's account here, as elſewhere) did not oppoſe the beginnings of French reformation.

As to the ariſtocracy contending for privileges, however, I muſt on this ſubject here, and before going on, quote the authority of Mirabeau. They were eager, at this very period, to renounce every privilege; ſuch excepted as made them nobility. In an appeal by Mirabeau to his countrymen of Provence, in regard to a deciſion given againſt him (which would not, I think, have been given in a Committee of the Houſe of Commons, on an election

election queſtion), and ſpeaking of himſelf as a nobleman, he ſays, that he makes his appeal, in this character among others, as "an individual of "a claſs having a claim to pecuniary exemptions, "in which he has maintained, ALONG WITH THE "GREAT BODY OF THE FRENCH NOBILITY, that theſe "expiring privileges had at all times been an ini-"quitous abſurdity."

In his ſpeech to the Notables, the King ſeemed to conſider their determination as a matter that was to be final. He mentioned the beginning of the enſuing year as appointed for the aſſembly of the States; that in concert with the States he was to provide the means of relief to the people, and at the ſame time for ſecuring the authority he had received from his anceſtors; that, before calling the States, he wiſhed to conſult with *them* as to the means of rendering that aſſembly moſt beneficial to the kingdom; that for this purpoſe *all the* proper documents would be laid before them, and that his confidence and the public hope reſted on their zeal.

Mr. de Barentin, the Keeper of the Seals, alſo made a ſpeech; and Mr. Necker likewiſe pronounced a long one. All theſe ſpeeches equally held out the King as deſirous to be enlightened on the ſubject of the States, by the reſearches of the Notables. The ſpeech of Mr. Necker very clearly recommended the innovations which had been

been announced by the adminiſtration, in the *arrêt* formerly iſſued.

During the ſitting of the Notables, a matter happened; of which it is neceſſary to ſpeak.

The Prince of Conti, on the 28th of November, addreſſed a ſpeech to *Monſieur*, who, as the King's eldeſt brother, was at the head of the firſt department of the Notables, and with whom, at the time the deputies from the other departments, were preſent, in which he ſtated it as a duty his conſcience bound him to perform, to take notice of the ſeditious writings, which ſpread confuſion and diſcord throughout the whole realm. He declared that the monarchy itſelf was attacked, that its annihilation was ſought, and that the fatal moment was approaching; and he requeſted that *Monſieur* ſhould repreſent to the King, how neceſſary it was for the ſtability of the throne, that the new projects ſhould be diſcountenanced, and that the conſtitution in its old forms ſhould be maintained in its entire purity. This addreſs was given in writing by the Prince of Conti to *Monſieur*; who delivered it to the King.

The King returned the paper; obſerving that it regarded matters altogether foreign to thoſe, for the conſideration of which the Notables were aſſembled. He, therefore, forbad them, in any of their *bureaux* or departments, to take any notice of it, and commanded them to proceed in their ordinary buſineſs. It was added, that the Prince

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of Conti, with the other princes of the blood, might addreſs themſelves directly to the King, who would always liſten to them with pleaſure.

The matter had, however, been previouſly debated in ſome of the committees; and had produced a diviſion of opinion. The King's orders put a ſtop to farther diſcuſſion.

The Notables in the mean time approached to a concluſion of their labours. The committee of *Monſieur*, by a majority of *one*, were for the changes in the repreſentation of the *Tiers-Etat*, which were recommended by the King and his miniſter. The minority in his committee publiſhed their reaſons for being of a contrary opinion. All the other committees were for matters continuing, in the reſpect of repreſentation and manner of voting, on the ſame footing on which things had ſtood in 1614. The judgment of the Notables was, accordingly, againſt the plan of adminiſtration.

But while they gave this judgment on this matter, they all agreed, with a ſort of emulation, in declaring that all privileges in matters of taxation ſhould be done away for ever. Some of the declarations on this head are expreſſed with a ſtrength and zeal, which nothing can ſurpaſs. The committee of the Prince of Condé concluded its report with the emphatic wiſh, that their ſentiments on this ſubject might, in the aſſembly of the States, become the common ſentiment of the nation. No privileges were ſought to be retained in France,

greater

greater (or ſo great) than thoſe which have exiſted, exiſt, and long are to exiſt, among ourſelves, for the good of Britain.

Immediately upon the riſing of the Notables, and in conſequence of the anſwer returned by the King to the addreſs tranſmitted from the Prince of Conti, a memorial was preſented to his Majeſty; known well afterwards under the name of the Memorial of the Princes. It regarded the ſame matter, and announced the ſame dangers, and from the ſame cauſes, as had been ſtated in the rejected paper, preſented formerly. This Memorial was not ſigned by *Monſieur;* as the committee of which he was preſident had been of a different opinion from what was contained in the Memorial. It is needleſs to ſay that it was not ſigned by the Duke of Orleans. The other princes of the blood ſigned it; the Count d'Artois, the Prince of Condé, the Duke of Bourbon, the Duke of Enghien, and the Prince of Conti. After an introduction, mentioning the gracious invitation given them to addreſs the King himſelf perſonally, and availing themſelves of this permiſſion, the Princes go on to lay before their Sovereign, the ſentiments which they entertain of public affairs.

There is one paſſage in this Memorial, which I muſt place here.

"SIRE," the Princes ſay, "the ſtate is in danger. "Your perſon is reſpected; the virtues of the Mo"narch ſecure to him the reverence of the nation.

" But a revolution is preparing in the principles " of government; and which is led on by the fer- " mentation of the public mind. Inſtitutions " holden ſacred, by which this monarchy has " proſpered through ſo many ages, are turned in- " to queſtions of popular debate, or cried down " even as manifeſt wrongs. The publications " which have appeared during the meeting of the " Notables, the memorials which have been ad- " dreſſed to the Princes (who now ſign this) them- " ſelves, the demands made by different provin- " ces, cities, or corporate bodies, the object and " the ſtyle of theſe requiſitions and memorials, all " announce, all prove, a ſyſtematic and reaſoned " ſpirit of inſubordination, and a contempt of the " conſtitutional laws. He who is an author is a " legiſlator. Eloquence, or the art of writing, " deſtitute of ſtudy, information, experience, ſeem " titles ſufficient to regulate the conſtitution of " empires. Whoever advances a bold opinion, " whoever propoſes to change the laws, is ſecure " of hearers and aſſociates."

The whole memorial is exceedingly deſerving of peruſal; and it has been at all times highly admired by me. I know theſe Princes have been blamed, and the Count d'Artois eſpecially, as having carried things with a high hand. The language has, indeed, been much ſeverer than this, and by thoſe too who both ſpeak and write againſt the French revolution. Many people even ſay

(and

(and I ſuppoſe think) that France might have ſeen fewer evils, had a different conduct been adopted by the Princes. I am bound to ſpeak the truth, and to give nobody offence. But great is the faith of ſuch perſons, even upon their own theories and doctrine; and much greater is their ignorance. France was doomed by the criminals, who inhabit, and have inhabited it, to all the calamities and plagues ſhe has undergone. The only way theſe aſſaſſins of their country could have been overthrown, was by thoſe meaſures of ſtrength and vigilance, which, ſo mercileſsly for that nation, were neglected wholly. I will not ſpeak (as I have repeatedly ſaid) of what I do not know. Whether the Count d'Artois, or any of the other Princes, who have ſo nobly perſevered with him, wiſhed the old government of France to remain, without any reformation, being a matter of their own breaſts, cannot be of mine. But no perſon can make this out from their actions. Neither in the ſpirit of the nation, could any power have been oppoſed effectually to the power of the people, for the purpoſe of total reſiſtance or overthrow. The people muſt have gained ground, and conſiderable ground, againſt the moſt determined oppoſition; and much was yielded to them without effect. The Princes, and all the nobility of France, gave up every privilege they poſſeſſed, not common to nobility in all countries. The ſame thing was done by the clergy. The beginnings of reformation were laid

in many other reſpects; and the new edifice was ſeen, in many of its parts, and ſome of them far, above the ground, before the meeting of the States General. The people's ardour was not ſoon likely to abate; and their ſtrength grew with their acquiſitions. With more power they could accompliſh more. In all theſe circumſtances, nothing could be apprehended againſt the cauſe of reformation and freedom. In all theſe circumſtances, every thing was to be apprehended from remiſsneſs and want of foreſight on the part of government. The conduct of the Princes was the true line of wiſe policy. Nor will it detract from the policy (unleſs in the minds of the new enlightened) that it was accompanied with that ſpirit, and and declared in that language, which had diſtinguiſhed and honoured the gentry of France, through ages of long renown and national glory.

The King, upon cloſing the meeting of the Notables, made a ſhort ſpeech. A number of ſpeeches were made upon the occaſion, by the perſons whom uſage called upon to make them. They were all to the ſame purpoſe. It is very painful now to read them. The happineſs of the people and of the King; his goodneſs, and the rewards of that goodneſs in perſonal and national felicity and renown; all the eloquence of France was exhauſted in deſcribing theſe ſcenes of coming glory, in whoſe mad viſions the eye was kept from beholding

beholding the road that was preparing to deſtruction and the grave.

The account given by Mr. Necker of the meeting of the Notables, and of what followed upon their determination being oppoſite to the views of the court, is thus:—

" The Notables devoted themſelves to the moſt " aſſiduous and uſeful labours. By their inqui- " ries they pointed out the numerous difficulties " it was neceſſary to clear, previous to the con- " vocation of an aſſembly of the States General; " and by their examinations and deciſions they " facilitated and made ſure the path of govern- " ment. Without the ſupport of their opinion, " the council could never have obtained the con- " fidence neceſſary for determining an infinite " number of queſtions, which would have been " the occaſion of continual embarraſſment and " contradiction."

" The moſt important of all, that which con- " cerned the comparative number of deputies of " the three orders, was determined by the Not- " ables in the ſame manner as it had been by the " Parliament; but their deciſion which was not " unanimous, excited ſuch loud and general cla- " mours, that the King thought it juſt to have it " diſcuſſed, ſeparate from all the reſt, in his coun- " cil."

" I doubtleſs adviſed him to this meaſure; but " it is manifeſt that I was influenced by no ſpirit

" of partiality. All my ties, all my habits of in-
" tercourſe, were with that order of ſociety, which
" applauded the deciſion of the Notables; and it
" was one of my firſt mortifications to find myſelf
" in oppoſition to their ſentiments, and that un-
" alterably; ſince the conviction of my conſcience,
" and the good of the ſtate, to the beſt of my
" judgment, impoſed on me, as a ſevere duty, the
" conduct I adopted on this memorable occaſion."

When I ſaid ſome time ago, that it was naturally to be expected the deciſion of the Notables ſhould be final, I did not mean that the King was bound by their determinations, in any ſort of way. He might adopt or reject, at his pleaſure. Accordingly he told them, at their riſing, that he would take into conſideration what they had adviſed. Yet if their advice was not to be followed, it was much better never to have called them together.

The diſcuſſion in the King's council took place, Mr. Necker ſays, much on the account of the clamours which the deciſion of the Notables had produced. Enough has been ſaid on this before. Was it wonderful that clamours ſhould have ariſen, when they were beſpoken by a decree iſſued in the name of the King, declaring that the old mode of holding the States, now ſanctioned by a judgment of the Notables, was a wrong and unfair mode? Theſe clamours, thus produced, the miniſter could not, with a good grace, ſilence with a ſtrong

a ſtrong hand. This was the very miſery of France. Great turbulence took place; and there was neither preventing authority, nor following puniſhment. In themſelves (it has been already ſaid, nor does it need to be ſaid) theſe clamours became the ſtrong reaſons for keeping the old States as they were; even had there been (which there was not) a previous power veſted any where to alter them.

The *Report made to the King in Council* by Mr. Necker, is a document well known. Again I meddle not with reaſonings. It is a matter of mere moonſhine whether they are well or ill founded. One thing is certain, that when this reformation was to be made, other reformations ought to be made alſo. Mr. Necker might have juſt as well ſet about regenerating France (as the phraſe has been) wholly of himſelf, and without calling any meeting of any ſort. Many good reformations have been made in this way by many good deſpotic princes; but it was not the way of reforming in a limited monarchy. However; and to paſs on. Only let it be remembered (which I ſhould have noticed before) that placing the thing in the lights of antiquity (where antiquity gave light) it appeared very clearly, with the neceſſary or the accidental variations, to have been all along as in the year 1614.

Upon this report the matter was decided. I make no quotations from it but one. It is not

of argument; but a matter of very important fact.

The Queen of France intereſted herſelf greatly in the cauſe of the *Tiers-Etat*. This is a matter of undoubted fact otherwiſe. It is authenticated by Mr. Necker in his Report.

" They are your ſentiments, SIRE," (I am tranſlating from Mr. Necker's Report, who is ſpeaking of the King) " that I have endeavoured " to expreſs. They become a new bond of affec- " tion between your Majeſty and the auguſt Prin- " ceſs, who ſhares your labours and your glory. " I ſhall never forget her Majeſty's words: *The* " *King will refuſe no ſacrifice that can contribute* " *to ſecure the public happineſs. Our children will* " *hold the ſame ſentiments if they are diſpoſed to liſten* " *to good counſel; and if they were of a contrary diſ-* " *poſition, the King will have fulfilled his duty in im-* " *poſing upon them ſome reſtraint.* Beautiful and " laudable words! which I beſought her Majeſty " with emotion to permit me to retain."

At this time alſo, the Queen of France was the object of public thanks and addreſſes by the Commons of the French nation. The deputies of the *Tiers-Etat* of Bretagne, Lorraine, and Franche-Comté, among others, in an addreſs of thanks to Mr. Necker, and after ſpeaking of the King as the generous father of his people, declare themſelves " penetrated with attachment for the au- " guſt Princeſs who ſhares the ſplendour of the " throne,

" throne, at whoſe affectionate expreſſions of the " intereſt ſhe takes in their cauſe they have been " melted into tears; their attachment to her they " will tranſmit to their children, and prepare the " coming generation for that tribute of devotion " and fidelity, which they now beſeech the mi- " niſter to lay at the feet of this gracious Sove- " reign."

It was ſcarcely poſſible that Mr. Necker could be in higher favour with the French nation than he had been before. Yet the diſplays of it were now greater than even formerly. It looked as if the people would lay themſelves at his feet. Yet I queſtion much if with more favour he had more power. The people were already beginning to ſee (the immediate leaders had long ſeen it) that they could now go on by their own ſtrength as far as they pleaſed.

Of the report made to the King in council, Mr. Necker himſelf has ſaid:—" It was after various " preparatory committees that I delivered in the " council of ſtate the report which every one is " acquainted with. There had been conſiderable " debates on the important queſtion thus ſubmit- " ted to the examination of miniſtry; for their " opinions were not uniform: and the moſt labo- " rious diſcuſſion preceded the determination of " his Majeſty, a determination manifeſted by the " deciſion of council, of 27th December 1788. " The commons ſucceeded in obtaining the ob-

" ject

" ject of their wiſhes and their prayers, that of a
" repreſentation equal to the two other orders
" combined. This was a period for the ebullition
" of gratitude: to the King they teſtified their ſa-
" tisfaction by the moſt flattering demonſtrations
" of affection and loyalty; and I alſo came in for
" a ſhare in their acknowledgments. They re-
" ceived as a benefit what was merely a point of
" juſtice. This miſtake of men of ſenſibility is the
" only conſolation of virtuous Kings."

I do not like this paſſage. If Mr. Necker acted on theſe grounds, he acted more inexcuſably than I hold him to have done. My friend has called Mr. Necker, as in depreciation, or has ſaid, on what authority I know not, that he was called, *a man of detail*. What depreciation there is in ſuch appellation, is more than I know. I am afraid that Mr. Necker has declared himſelf here unworthy of being honoured by it. He talks, as in the caſe of the *Tiers-Etat*, of *doing juſtice*. He does not bring forward the circumſtances of the times, the wiſhes of the people, the neceſſity of policy, the good that might reſult from the meaſure;—but he talks of *doing juſtice*. And was it on the principle of *doing juſtice* that he went in the face of old inſtitutions, and of recent and ſolemn judgments! What title had he to *do juſtice!* I do not inquire whether it was juſtice or not. On that I have ſaid what I think already. The Memorial of the Princes maintains (in oppoſition to me) that it would have

have been (this particular reform) *at any time*, injuſtice. The *equality* of the three bodies, *in all reſpects*, as to legiſlative power and citizenſhip, was made, on the ſide which oppoſed the innovations, the baſis of the French monarchy. To do more, or to do any thing elſe, they ſaid was rank injuſtice. It was rank injuſtice, in my opinion alſo, as to the time of doing it; though of error much more fatal ſtill than any injuſtice. But, be it juſtice. Was Mr. Necker, the miniſter of the King of France, like the beneficent vizier of ſome mild Sultan, liſtening to the cries of the people, and following his own judgment and will, to overturn the antient order of kingdoms, and to look in the face of high and ſolemn and deliberate authority, in order to do what he thought *juſtice!* And was it this ſilly following of his own opinions, upon a matter of mere juſtice, that was to carry out a man in the arduous enterpriſe of reſtoring, by calling forth the legitimate powers, and eſtabliſhing the conſtitution of a nation! Mr. Necker was led to talk in this way (in this hiſtory of his adminiſtration) by deceiving himſelf. The juſtice of the meaſure, as in itſelf, had been ſo frequently attacked (and upon grounds, if they be ſuch as are ſtated, which I like as ill as he can do) that he has unguardedly brought forward the equity of the meaſure as the principle of the meaſure. He could not be guided by ſuch motives. They could not even, in a fair view of the caſe, ſtand the brunt of the

ſchools.

ſchools. They might be overthrown, as they were only fit to be produced, by a boy's logic. It is as criminal as it is abſurd to count ſuch things in the ſtock of a ſtateſman. His reſources (going on to and ſecuring univerſal juſtice) lie elſewhere; and he draws on a very different fund. The narrow and preciſe ſquaring of claims and rights, as of little pieces of wood, to make up by their fitting a thing to pleaſe children, is an amuſement dangerous to nations. All other things being equal, it is a recommendation even this. But to make it the ground and reaſon of your policy, and *beforehand* ———. I do not wiſh, nor can I give it a name.

It being thus fixed how the States General ſhould meet, the meeting itſelf ſhould have taken place as in the beginning of the year 1789. Their ſittings, however, did not begin till the 5th of May of that year.

In the mean time, and till we arrive at that period, I ſhall go, with your permiſſion, to the provinces, Gentlemen. Only, as to Paris (whoſe hiſtory after that time is the hiſtory of France) I ſhall mention one fact, before entering on the conſideration of what was done in the provinces.

The Parliament of Paris, ſo lately the idol of the populace, was falling into great diſrepute. It was now perceived that it might be a hindrance to going farther; and it was eaſy to forget what

it

it had done and ſuffered to bring things on ſo far.

The capital had hitherto, as a body, taken no marked ſteps in the buſineſs that agitated the nation. It was not yet the time. However, after the riſing of the Notables, it was thought expedient in the councils of democracy, that the city of Paris ſhould in ſome meaſure ſhew itſelf. A memorial was preſented to the King from the corporate bodies in the city, and about the ſame time a petition of the inhabitants was brought forward alſo. The object of both was, on their face, to claim the rights of the *Tiers-Etat*. They might be intended to ſerve, and probably ſerved, other purpoſes.

The petition of the inhabitants had been originally drawn up by ſome man of the law; and who had been paid for it. However his ſtyle did not pleaſe ſo much; and it was not uſed. The faculty of medicine here got the better of law. Mr. Guillotin, a phyſician of Paris, and afterwards a member of their conſtituting Aſſembly, drew up a petition, which was thought quite the thing. It was adopted by the corporate bodies likewiſe. The Parliament judged this matter to require their interference. Mr. Guillotin was brought before them. He was too powerfully ſupported to be afraid; and the Parliament (who had returned in the acclamations of triumph only a very ſhort time before) plainly ſaw that a few weeks had deſtroyed

ed their power, and cauſed all their ſervices to be forgotten. The affair ended in a ſort of general decree, which, I believe, was never put in execution.

During the times of which we have been ſpeaking, and till the meeting of the States, very buſy or very tumultuous ſcenes were exhibited in the provinces of the kingdom. Thoſe only which influenced greatly on the ſeries of events, are at all to be taken notice of; and none are more to be noticed in this reſpect than thoſe of Dauphiny. That province and its proceedings were long the admiration of France.

I ſhall firſt, however, as it requires a very ſhort and paſſing notice, mention the peculiar matter of contention in Languedoc.

Every one knows that this was one of the provinces which had States of its own; of which kind there were ſeveral in France. It happened that by the diſtinction of *biens nobles* and *biens roturiers*, thoſe could be *called* to the general aſſemblies of the nation, merely as *gentilshommes-fonciers*, landholders or heritors, who could not *ſit* in the States of the province, which were confined to the dignified clergy and holders of baronies. The *nobleſſe*, not holding baronies, accordingly now claimed, that the diſtinction between the baronial nobleſſe and themſelves ſhould be taken away. This requiſition was made at a very late period, after the Notables were aſſembled, and the States General had been fixed as ſoon to meet.

The

The baronial nobleſſe, in general, made no objections to the meaſure. It could be of no uſe, this requiſition, but upon the footing of Languedoc ſtill remaining a province, becauſe, notwithſtanding the compoſition of the provincial ſtates, and the *inelective* ſeats in them, there was no difference made as to the *election* into the General States. So little, juſt before this conſtituting aſſembly met, was it dreamed of, even in the ſouth of France, in Languedoc itſelf, the native ſoil of Calviniſm and liberty, that the kingdom of France was to be meaſured out, almoſt among their firſt acts, into new departments with ſtrange names, and the whole fabric of the conſtitution fundamentally overthrown, at one exploſion of the democratic mine, by thoſe who were ſent for no ſuch purpoſes, and with no ſuch powers, and who, uniting the extremes of ferocity and folly, with the ſame lips that pronounced the ſentence of deſtruction on their empire, ſtood ſponſors to the new chriſtening of provinces and ſtreets; not more earneſt in the work of ruin than they ſeemed to be eager in the plays of childiſhneſs; a diſgrace to wiſdom, as they were a reproach to humanity. It was an object (this) upon which the province of Languedoc diſplayed much anxiety and earneſtneſs. They had not occaſion to diſplay it long. Nor was this the only matter, on which they appear to have been unread in futurity. The extinction of nobility was alſo yet unknown

known; and was as much beyond their aſſembly's competence.

The province of Languedoc was earneſt to be put upon the ſame footing with the province of Dauphiny. There, too, arrangements had been made for the province itſelf as in perpetuity. Languedoc was not ſingular in this reſpect. The arrangements for provincial adminiſtration were indeed common all over the kingdom. It is a very ſtriking conſideration this; nor do I know that it has been ſufficiently attended to. I am not to notice the proceedings in Dauphiny, as on this account chiefly; or much on this account at all. But it will appear ſtrongly in the narration of general matters.

The ſame miniſterial inflictions had taken place in Dauphiny, as in the reſt of France. The Parliament of Grenoble had been exiled; and remonſtrances had followed remonſtrances to the foot of the throne. After Mr. Necker came into the adminiſtration, a general aſſembly of the three orders of the province was held at Romans, by permiſſion of the King. The preſident of this aſſembly was the Archbiſhop of Vienne, and Mr. Mounier was their ſecretary.

The three orders met in the city of Romans, on the fifth of September 1788; and held ſeparate aſſemblies on the following days, till the tenth, when they aſſembled in one body; on which day their *proces-verbal* begins.

The

The reading of the King's letter to the aſſembly; the ſpeech of the Duke *de Clermont-Tonnere*, and of the Baron *de la Bove*, two of the three commiſſioners appointed by the King to ſuperintend this meeting; the return to theſe ſpeeches made by the Archbiſhop of Vienne, and all the other things of that ſort, were of no other conſequence, than as declaring the affection of the King on the one hand, and the loyalty of the province on the other. A ſpeech made on that day, and containing a proteſt regarding a matter of conſtitutional law, was of another kind of importance, and muſt be noticed.

The Marquis de Maubec, obſerving that it had been announced as the general wiſh of the province, that the *new States*, (who were to be organized by this aſſembly) ſhould be wholly *elective*, called the attention of the orders to the infringement thus made on the rights of the *premiers barons*. It was not on his own account (he ſaid), who would hold himſelf more honoured in a ſeat obtained by ſuffrage, than poſſeſſed by right, but in regard to the other *premiers barons*, who were abſent from the meeting, and who might claim this diſtinguiſhed privilege, which they had always enjoyed, as well as the other prerogatives of their baronies. Being charged with no particular commiſſion, as on their part, he would not, however, and for that reaſon, enter into any detailed conſideration of the ſubject; making only this general obſervation, that

in an aſſembly called for the expreſs purpoſe of recovering and ſecuring the antient rights of the province, it could ſcarcely appear juſt to deſtroy thoſe rights of the barons, of ſuch uncontroverted antiquity and known exerciſe; and that, at leaſt, ſome diſtinctions might be allowed to remain, ſuch as could do no material prejudice to the general liberty of election.

At the ſame time, the Marquis de Maubec ſtated, that, as to himſelf, he ſhould regret no ſacrifices of whatever kind, dictated by the general wiſh, and tending to the general benefit. Yet, he hoped, the aſſembly would not diſapprove the declaration of his adherence to the reſolutions, to be adopted by the orders, being qualified with the reſervation, and as without prejudice, of the prerogatives attached to his barony in the antient States of the province.

This declaration and proteſt was ordered by the aſſembly to be laid upon their table, and to be taken into conſideration at an after meeting. I may mention the concluſion of the buſineſs here. In the new conſtitution of the provincial ſtates, as modelled by this aſſembly of the three orders, under the ſanction of the King, no ſeat could be obtained unleſs by ſuffrage. It was this conſtitution made in Dauphiny, which was demanded alſo for the province of Languedoc. Some remarks on this matter will be made afterwards.

This

This general aſſembly of the three orders of Dauphiny, wrote two celebrated letters; one to the King, and another to Mr. Necker. The letter to the King is long, but it is ſtill more important. I ſhall mention, abridgedly but ſubſtantially, what it contained. Both letters are to be found in their *Proces-verbal* of the thirteenth of September.

Having mentioned that great evils are often the ſignal of the happieſt revolutions, that the exceſs of abuſes often recals thoſe primitive rules which were made to prevent abuſes, and that, in the perils of the ſtate, a good prince and a faithful people, uniting their minds and wiſhes, become thus the founders of the happineſs of men and the proſperity of nations; they then proceed to ſtate, that the province of Dauphiny ſtill feels the effect of innovations, which had created the greateſt alarm; but that the paternal goodneſs of the King, the promiſe to call the General States of the kingdom, the approaching aſſembly of the ſtates of the province, the province itſelf now aſſembled to deliberate on their formation, and the other fortunate circumſtances of the times, had left them now nothing to wiſh, unleſs that the moment ſhould be haſtened, in which their only buſineſs and duty ſhould be to bring their thanks and gratulations to the throne.

You, they ſay to the King, have recogniſed thoſe imprefcriptible rights, which cemented the

union between your anceſtors and our fathers; you have revived thoſe ANTIENT MAXIMS, which made the foundation of the moſt majeſtic of empires, which conſtituted *your* power, which produced *our* glory, our happineſs, perhaps even our virtues. Let us never loſe this remembrance; let us haſten from this moment to gather its fortunate fruits; let us, on theſe great objects, preſent to the throne the expreſſion of our feelings, and the tribute of our judgments.

They ſtate, that in the firſt ages of the monarchy, principles founded in the character of a proud and a loyal nation, ſet bounds to power, and reconciled the majeſty of Kings with the liberty of men. In the anarchy of after times theſe rights were forgotten, but never forgone. The authority of the monarch roſe again, together with the liberty of the ſubject. The ſimple prerogatives of chieftainſhip again grew up into the full exerciſe of ſovereign power; and the expences of a univerſal and complex adminiſtration, now extended over the whole kingdom, were ſupplied by taxation, which was now naturally eſtabliſhed, between the people as proprietor, and the prince as adminiſtrator. This right of taxation was at all times lodged in the aſſemblies of the nation.

Thus, they ſay, from the boſom of the feudal government aroſe a magnificent conſtitution; a legiſlating King; a court the ſupreme organ and depoſitary of the laws; and a national aſſembly, in

which

which was placed excluſively the right of taxation, and of ſanctioning new laws.

Under theſe auguſt forms, the happieſt harmony reigned in all their counſels. Gathered around their King, the nation felt the felicity of knowing their prince, and being known by him. Freedom was with the people, obeying laws made in their preſence and by their conſent. Submiſſion was the reward of the ſovereign, whoſe will was carried into accompliſhment in the midſt of national acclamations. Under a conſtitution like this, (they continued) Dauphiny came into the dominion of your anceſtors; and the chief heads of its privileges are an enumeration of the grand maxims of the French government.

Its ſovereign court and ſtates were preſerved as eſſential parts of its conſtitution. No laws could be executed within its limits, that were not depoſited in its regiſters; its citizens could be carried to no other juriſdiction than their own; no taxes nor new laws could be introduced without the conſent of its aſſemblies. Theſe precious inſtitutions, which made the felicity of the province and the kingdom, ſhould have remained for ever in the keeping of the prince and the people, equally intereſted in their preſervation. A ſtrange power ſought diſunion, and obtained it. Ambitious miniſters, removing mutual confidence, and attacking the conſtitution, put their caprices in the place of the laws. The nation loſt the free expreſſion

of its wiſhes; the King his true counſellors; the people their repreſentatives: about the beginning of the laſt century, the general ſtates of the kingdom ceaſed to meet; and not long after the ſame unjuſt power ſuſpended thoſe of the province of Dauphiny. In this ſilence of compulſion on the part of the people, in this forgetfulneſs of the conſtitution, the magiſtrates alone were found to defend the national rights. They oppoſed themſelves to innovations; and the people owes them its gratitude: they granted ſubſidies as in the name of the people; and by acknowledging their error, they have repaired it. Yet this acknowledgment, which gives the kingdom its only hope of reſtoration, this generous confeſſion is itſelf made the cauſe of their overthrow, and of overwhelming, in the ſame common ruin with them, the laſt foundations of our liberties.

They dwell ſtill longer on theſe proceedings; and part of the letter is alſo employed in lamenting, and applauding, and interceding for the twelve gentlemen of Bretagne; puniſhed (they ſay) for having wiſhed to carry to the throne that truth which the throne wiſhed to hear. After declaring, that the nation looks forward to its deliverance from all alarm, and its yielding, without fear, to the feelings which attach it to the perſon of the King, they call, in emphatical, and in moſt remarkable words, for the undoing of thoſe laws, whoſe repeal can alone give ſecurity for the revi-

val of that antient order of juriſdiction, thoſe magiſtrates, thoſe tribunals, which are the property of the people, an eſſential portion of their rights, and which can undergo no change without the participation of the people. Theſe are their words.

In the remainder of the letter, they ſpeak of the aſſembling of their own ſtates, as ſoon as their new form ſhould be fixed; and of the convocation likewiſe of the ſtates of the nation. And they ſpeak of the majeſty of the nation and the throne.

The letter to Mr. Necker is very ſhort; but every word of it is gratulation and praiſe. The nation (they ſay) was in alarms, was touching to its fall, when a juſt king recalled the Miniſter. This event itſelf was a great revolution. Univerſal joy and acclamations ſucceeded the deep mourning which had ſpread over the whole realm. The letter concludes with deſiring the Miniſter to enjoy his glory; while he was honoured beyond what had ever been known in any former times, with the publie declararion of the eſteem and gratitude of the three orders of a province.

There is much matter for thinking in theſe letters. Dauphiny was at this time, and for a conſiderable time afterwards, the oracle of France. As to Mr. Necker, he is certainly the ſtrongeſt example of *both fortunes* that is found in the hiſtory of ſtateſmen. The three orders of Dauphiny had ſpoken of this miniſter alſo in their letter to the King. They ſtated all their hopes as juſtified by

the preſence of a man, who made Frenchmen for-get, for the ſecond time, that he had not been born among them. But, excepting the great moral conſiderations furniſhed by it, there is nothing beſides in this letter to Mr. Necker, to call forth our attention greatly. It is otherwiſe with the letter to the king.

From it the extent of the claims (for Dauphiny went the fartheſt) made by the people are completely aſcertained, and, of conſequence, likewiſe their limitations. From it alſo we learn, not only that France had a conſtitution, but what that conſtitution was; and according to the popular faith in both caſes. It confirms greatly what has been formerly ſtated in this work; though we are not quite at one in all points.

The account given of the French conſtitution by the three orders of Dauphiny, demonſtrates how eaſy a thing it was, to eſtabliſh a free government in France. There was a ſeparation of the powers, as in the Britiſh conſtitution; with differences (as I think certainly) to the worſe. In one paſſage of the letter, (which I purpoſely omitted till I ſhould be here), the whole conſtitution is very ſhortly expreſſed, in conformity with what you have ſeen mentioned already. "The active will," (the three orders ſay) "and the power of making "the laws were reſerved for the King alone; to "the nation its free conſent; and to the magiſ-"trates the pronouncing upon the laws as eſta-"bliſhed."

" liſhed." In this ſcheme, the laws are made to originate with the King, though without authority but by the conſent of the people; and how this came to happen in the progreſs of the French monarchy, has been already ſufficienly diſcloſed. Things might have been ordered better in the new arrangement. But ſurely Mr. Burke will not now be thought to have ſaid too much, when he ſaid, that " ſuch a government well deſerved to " have its excellencies heightened; its faults cor- " rected; and its capacities improved into a Bri- " tiſh conſtitution." Not by ſervile copying; which would have been a fooliſh and ſilly thing; but by natural and reaſonable progreſs. By ſuch means, not only France, but all the European governments might have become SISTER CONSTITUTIONS. *Facies non omnibus una, nec diverſa tamen.* They were all of the ſame original Gothic family. They might have recogniſed and renewed the ties of antient kindred. With family likeneſs they might have had family affection. They might all have been willing to learn, all have been taught, and have all ſpoken the tongue of freedom. It is in itſelf always fooliſh (and has in the circumſtances been moſt wicked) to talk of univerſal and perpetual peace. It has been heard of only in the unholy ravings of thoſe, whoſe minds were full of guilt and war. In the benign viſions of virtue, the brighteſt ſcenes of prophetic proſpect have not been wholly undarkened by paſſing clouds. The golden

golden age of Virgil is not altogether free from human frailty and paſſions.

" Pauca tamen ſuberunt priſcæ veſtigia fraudis
" Quæ tentare Thetin ratibus, quæ cingere muris
" Oppida, quæ jubeant telluri infindere ſulcos.
" Alter erit tum Tiphys, et altera quæ vehat Argo
" Delectos heroas: erunt etiam altera bella;
" Atque iterum ad Trojam magnus mittetur Achilles."

Even, therefore, had things proceeded happily in France, and to a happy iſſue, there might (and moſt certainly would) have ſtill been circumſtances for humanity and virtue to regret and pardon. But the ſum of European felicity might have been augmented, beyond what any man can venture to calculate; and in a range, and for a duration in which imagination itſelf is loſt. Liberty might have been worſhipped by thoſe who never before heard it named. " IN THAT DAY SHALL THERE BE " AN ALTAR UNTO THE LORD IN THE MIDST OF THE " LAND OF EGYPT, AND A PILLAR AT THE BORDER " THEREOF TO THE LORD." Then, ſpeaking the language of a free people, they might, in the ſpirit of freedom, have done ſacrifice and oblation, vowed a vow, and have performed it. Then, in that covenant of nations, (if this ever can be completely, and as far as it can be) might the bow, and the ſword, and the battle have been broken out of the earth. But theſe things appear not to have been at this time in the counſels of Providence.

dence. The reſtraining force (for purpoſes inſcrutable to us) was not laid upon the principle of evil. Theſe viſions of felicity melted away almoſt in the inſtant they were formed; nor were they merely ſwallowed up in nothing; their place was occupied by realities more dreadful than the moſt frightful phantoms the mind had ever raiſed from the womb of darkneſs, than *night, and all her fickly dews, her ſpectres wan, and birds of boding cry*; while in the horrid opening that yawned upon the the ſight, on which the gay deluſions had juſt ceaſed to play, was ſunk and buried all that was poſſeſſed, and all that was hoped for! When, and by what means, that goodneſs which is above the comprehenſion of man, ſhall, by a correſponding power, put it in the competence of human virtue and wiſdom to repair this great and general diſaſter of the human race, is beyond our prediction, and it may be far beyond our time. Our duty is to watch and prepare for its period; whether that arrive in our days, or in thoſe of a diſtant poſterity. It never can arrive, till the violence and wickedneſs be overthrown, which has threatened to deſolate Europe. Our firſt duty is to overcome and recover. Perhaps, with firmneſs of heart and modeſty of mind, and taking ſecurity before, behind, and all around us, what was to have been accompliſhed, may be accompliſhed ſtill; but the great and neceſſary matter is to get round, firſt of all, to our old ſtation. Two great calamities have fallen

fallen on the world in our days; the loſs of Mr. Fox's Eaſt India Bill, and the deſtruction of the beginnings of reformation in France. There is no record in the hiſtory of mankind of any events of ſuch large, grand, and durable beneficence. That ſpot of earth might not have exiſted on which the ſun of liberty did not ſhine. Everywhere freedom would have been felt and ſeen---*viſere geſtiens qua parte debatchentur ignes, qua nebulæ pluviique rores!* In the courſe of the natural day itſelf, the earlieſt morning light would have been ſhed on a land of free and juſt government, and its laſt rays gone down in ſmiles on a land of freedom. And this not by the overturning of the old inſtitutions and reverent maxims of nations; not by general and vague theories about men's rights; not by making one and the ſame brain-government the government of all; but by proceeding on principles exactly the reverſe; by following the original inclinations, habits, manners, and ſituation of the people; violating nothing, but leaving nothing uncertain; meliorating every thing, but preſerving every thing; inſtead of innovating, taking away innovations; looking backwards with care that they might look forward with judgment; repairing more than changing, and ſeeking to eſtabliſh, not to overthrow; the end of all being the people's happineſs, ſought in principles which the people's natural feelings recogniſed, ſtrengthened, and would preſerve; ſuch as could be comprehended

by

by their underſtanding in clearneſs and plainly, ſuch as directly, and with efficacy, ſhould influence their conduct; endeared to them by old memorials and preſent bleſſings. Theſe things were not merely in proſpect and futurity, but in abſolute and real delineation and body, in that Eaſt India Bill, "THAT SACRED PLAN FOR RELIEF TO "NATIONS." In France, they were only in contemplation, and had been yet embodied into no ſyſtematic ſcheme; when the hurricane of democracy roſe, before which that nation fell. They periſhed in her overthrow, when ſhe was thus lifted out of her place, in this great unlooſening of her foundations. Thus are deſtroyed the hopes of man, by human perverſeneſs or human iniquity; by the blindneſs that will not ſee, by the wickedneſs that is reſolute on guilt and crime! God forbid! that while I lament the fatal miſcarriage of that beneficent plan for the reformation of India; for reſtoring and improving its antient government, on its antient principles; I ſhould confound thoſe, or the motives of thoſe, who defeated that grand ſcheme of benevolent wiſdom, with the beings that have ruined France. God indeed forbid, that I ſhould be guilty of this great iniquity! Yet lamenting the downfal of thoſe fabrics of good which it has ſeemed fit, in the counſels of heaven, ſhould only be ſeen, and then ſink from our view; without confounding the means, or the motives of overthrow, the events

are

are themſelves matters of great awe, grief, and warning. How much ſhould we avoid the guidance of our ſelfiſh paſſions; nor, under their dominion, ignorantly and wrongfully oppoſe ourſelves to the courſe and accompliſhment of good and wiſdom! How ſtoutly and perſeveringly ſhould we reſiſt wickedneſs; with what firmneſs and force cruſh its very beginnings! Otherwiſe, what are our deſigns and proſpects! "In the day "ſhalt thou make thy plant to grow, and in the "morning ſhalt thou make thy ſeed to flouriſh; "but the harveſt ſhall be a heap in the day of "grief, and of deſperate ſorrow!"

A great cry is made at the preſent day, about bringing back the old government of France. To have right notions, it is abſolutely neceſſary to uſe right words.

If by the old government of France (and it is a ſenſe in which I have ſometimes uſed this term myſelf) be meant the *later adminiſtration* of the French government, it would be criminal indeed to reſtore it: although any adminiſtration of any thing like government (Turkey itſelf) would be, out of all ſight, preferable to what has been in France ſince the fourteenth of July 1789. If by the old government of France be meant the *conſtitution* of the French monarchy in older times, the reſtoration of it would be an act of great virtue. Even if by the old government were meant the general *adminiſtration*, (as under the conſtitutional forms

in

in the older times) of the public affairs, it would be a very important and desirable acquisition, were this to be established now, as upon the footing on which it stood, before the states of the French monarchy had ceased to make a part of the ordinary government. Were the French nation but here again, and with honest minds and clear judgments, they might yet go on to all the necessary perfection, which the love of human kind, and the spirit of patriotism had so fondly anticipated, and in which they have been so cruelly deceived.

It were well, therefore, that those who declaim against the old government of France, would explain precisely what they mean, in order that there might be no mistakes as to their opinions. It is a time this, in which opinions declared ought to be opinions known. Some of you, Gentlemen, are very intimately acquainted with the affairs of India; and have borne very honourable parts in its concerns. By the *old government* of Bengal, you would not intend the administration of Aliverdy Khan; nor deny that there was a fixed, stable, and just government, which that tyrant, and other tyrants had subverted. Nor could you implore a greater blessing for that oppressed country, than that the old system of taxation, and in all other respects, should be restored; and Bengal made again, what it was in the time, and long after the time, of the Emperor Akbar.

Since I am upon this subject, it furnishes considerations,

ſiderations, for which this is as good a place as any other, and which ſhould certainly find a place ſomewhere. They are very forcible, very much to the preſent purpoſe, and ſhall (for the matter) be very ſhort.

Indeed, the parallels between France and India run in many caſes together very nearly; and there have even been many more out of the way analogies, than between Sully and Rajah Toorel Mull, or Henry the Fourth and Akbar.

That others (and thoſe among you, Gentlemen, who are like thoſe others) unacquainted with the detail of India affairs, may underſtand what is now to be ſaid, it is neceſſary to mention, and it is ſufficient to mention, that in the older times of Bengal, and under the Mogul Emperors, a certain fixed valuation, which went under the name of the *Aweſil Jumma*, regulated the levying of taxes in that kingdom; and it was not till the uſurpation preceding the Britiſh dominion, and under the Britiſh dominion, that, firſt, proportionate increaſes on that *Jumma* were introduced, and, afterwards, a *Huſtabood*, or actual valuation of the lands; by which the government making itſelf the proprietor of the ſoil, took or left, as proprietor, juſt what it pleaſed, without any regard, (unleſs that it was neceſſary more plentifully, or more ſcantily to feed them) to thoſe who had once been proprietors, and whom it ſtill called its ſubjects. Concerning this univerſal confiſcation, which had been done in act by Coſſim Ally Khan, and

and by the Britiſh dominion upon ſyſtem, Mr. Burke, in his ſpeech on Mr. Fox's Eaſt India bill, ſpoke as follows:

" Bengal, and the provinces that are united to " it, are larger than the kingdom of France; and " once contained, as France does contain, a great " and independent landed intereſt, compoſed of " princes, of great lords, of a numerous nobility and " gentry, of freeholders, of lower tenants, of religi- " ous communities, and public foundations. So " early as 1769, the Company's ſervants perceived " the decay into which theſe provinces had fallen " under Engliſh adminiſtration, and they made a " ſtrong repreſentation upon this decay, and what " they apprehended to be the cauſes of it. Soon " after, inſtead of adminiſtering a remedy, upon " the heels of a dreadful famine, in the year 1772, " the ſuccour lent to this afflicted nation was— " ſhall I be believed in relating it?—the land- " ed intereſt of a whole kingdom, of a kingdom " to be compared to France, was ſet up to public " auction. They ſet up the whole nobility, gen- " try, and freeholders, to the higheſt bidder. No " preference was given to the antient proprietors. " They muſt bid againſt every uſurer, every tem- " porary adventurer, every jobber and ſchemer, " every ſervant of every European, or they were " obliged to content themſelves, in lieu of their ex- " tenſive domains, with their houſe, and ſuch a " penſion as the ſtate auctioneers thought fit to aſ-

" ſign."—I was proceeding with quotation; one would think, it really was France of which he was ſpeaking; but I ſhall go to the concluding part, as otherwiſe I muſt be carried too far.

" Such an univerſal proſcription, upon any pre-
" tence, has few examples. Such a proſcrip-
" tion, without any pretence of delinquency, has
" none. It ſtands by itſelf. It ſtands as a monu-
" ment, to aſtoniſh the imagination, to confound
" the reaſon of mankind. I confeſs to you, when
" I firſt came to know this buſineſs in its true na-
" ture and extent, my ſurpriſe did a little ſuſpend
" my indignation. I was in a manner ſtupified, by
" the deſperate boldneſs of a few obſcure young
" men, who having obtained, by ways which they
" could not comprehend, a power of which they ſaw
" neither the purpoſes, nor the limits, toſſed about,
" ſubverted, and tore to pieces, as if it were in the
" gambols of a boyiſh unluckineſs and malice, the
" moſt eſtabliſhed rights, and the moſt antient and
" moſt revered inſtitutions, of ages and nations.
" Sir, I will not now trouble you with any detail,
" with regard to what they have ſince done with
" theſe ſame lands and landholders; only to inform
" you, that nothing has been ſuffered to ſettle for
" two ſeaſons together, upon any baſis; and that
" the levity and inconſtancy of theſe mock legiſla-
" tors, were not the leaſt afflicting parts of the op-
" preſſions ſuffered under their uſurpation; nor
" will any thing give ſtability to the property of
" the

" the natives, but an adminiſtration in England
" at once protecting and ſtable. The country ſuſ-
" tains, almoſt every year, the miſeries of a revolu-
" tion. At preſent, all is uncertainty, miſery, and
" confuſion. There is to be found through theſe
" vaſt regions, no longer one landed man, who is a
" reſource for voluntary aid, or an object for par-
" ticular rapine. Some of them were, not long
" ſince, great princes; they poſſeſſed treaſures;
" they levied armies. There was a Zemindar in
" Bengal, (I forget his name *,) that, on the threat

 " of

* The name of this Zemindar, whom Mr. Burke forgets, was Rajah Ramnaut. It was at a time when the oppreſſions had already begun; under Aliverdy Khan. So mild were they in compariſon of Britiſh oppreſſions. But, (paſſing this awful conſideration, which is not of this place,) my reaſon for mentioning the name of this Zemindar, and ſome other particulars I am alſo to mention, will be ſeen preſently. It was not the *loan of a million*, (at leaſt, according to the account that I take it from,) but of *twelve lacks of rupees*; for which the Rajah gave an order upon the famous native banking-houſe of the Seets. It is true, that he told the Nabob, he might get what he choſe; but no more was aſked. Likewiſe, it is not clear, that the family preciſely wanted credit for a *breakfaſt* at the bazar; a petition only having been preſented againſt this Rajah's ſon, ſetting forth, that payment could not otherwiſe be obtained of *victuals*, (it does not appear, whether for breakfaſt or otherwiſe,) furniſhed to his family, and now due for three or four years. Theſe things ſhew that Mr. Burke is not wholly accurate in his ſtatement of this fact, *from memory*, in this ſpeech. And I have mentioned the circumſtances

" of an invaſion, ſupplied the Soubah of theſe pro-
" vinces with the loan of a million Sterling. The
" family this day wants credit for a breakfaſt at
" the bazar.

It is not France about which you have been read-ing, Gentlemen, but India. I obſerve this again; and not without cauſe. How like, how very like, are theſe things! Yet *he* has been ſaid to be incon-ſiſtent, who reprobating theſe proceedings in India, has reprobated them alſo in France! You ſee, Gentlemen, very plainly where the inconſiſtency lies. It is great and deplorable. It is ſo on both ſides; whether of thoſe who ſin againſt the firſt duties of humanity, by negligence of her great cauſe, in the one country or in the other.

This deſtruction of property in act, and in prin-ciple, this annihilation of all intermediate ranks in the country, taking away the name and the inhe-ritance of nobility and gentry, throughout all Ben-gal, was denied or explained on the other ſide, (there was this difference from France, that it durſt not abſolutely be avowed, but) with the ſame

ſtances of inaccuracy here, for the purpoſe of ſhewing into what miſtakes Mr. Burke may fall! Notice has been taken already, of the centinel at the Queen's bed-chamber. I knew at the time, but it did not then occur to my recollection, of this inſtance alſo. At preſent, I cannot, by queſtioning my memory very ſtrictly, recal any other examples, (if any ex-amples exiſt) of ſimilar inaccuracy, either as to France or In-dia. Whenever I hear of them, I ſhall be ſure to tell.

ſame ſpirit as in France, and to the ſame effect. Upon this, I am to quote a paſſage of moſt admirable wiſdom. She never ſpoke more audibly and plainly and forcibly, for the inſtruction of mankind. In the preſent times, the words ſhould be got by heart, to be the conſtant inmates of our mind, and the guides of our conduct.

" If it ſhould appear, that, through a long diſ-
" cuſſion of any ſubject, the mode of ſtating facts
" is calculated to make one impreſſion; that the
" general tendency, of a ſeries of arguments leads
" to one concluſion; that a variety of meaſures
" are all ſyſtematically directed to one object; that
" they cannot, without a contradiction, propoſe
" any other; and that the introduction of ſuch
" facts, arguments, and meaſures, would be uſe-
" leſs in any other view; it is of little moment,
" whether the object be expreſsly acknowledged
" or not. Detached declarations, diſclaiming the
" only rational concluſion deducible from the
" premiſes, will have no effect, unleſs it be to prove,
" that the real object is ſuch as cannot, without
" inconvenience, be clearly and explicitly avowed.
" If, for example, it were directly propoſed to an-
" nihilate that rank of men, in whom the inheri-
" tance and property of the lands of Bengal are
" veſted, in order to transfer to the ruling power
" the produce of their eſtates, leaving nothing to
" the owners, but a *competent ſubſiſtence*, it is to
" be preſumed, that every man in Britain would

" revolt at a propoſition, ſo full of palpable cruelty " and injuſtice. The body of noblemen and gen- " tlemen, of whom the honourable Eaſt India Com- " pany is compoſed, would undoubtedly be the " firſt to diſclaim it. It is not likely, therefore, " that ſuch a propoſition will be ſuffered to appear " before them in its true ſhape, or in the colours " which belong to it. The danger is, THAT BE- " TWEEN DISGUISE ON ONE SIDE, AND INATTENTION " ON THE OTHER, the Company may be unwarily " made parties to acts of the moſt grievous op- " preſſion."—And immediately afterwards:—" I " am not examining the ſecret thoughts or inten- " tion of any man; but the true ſcope and effect " of a public meaſure, for which I look no farther " than to the meaſure itſelf, as it ſtands propoſ- " ed."

This is the language, Gentlemen, of one of your- ſelves; a man of moſt conſummate abilities, and of moſt honourable Indian toil. I thought he would have been in the ſtill more honourable, (be- cauſe more dangerous, and, in its conſequences, more univerſal) warfare againſt the democracy of France. It has been a great loſs, that the caſe is otherwiſe. One cannot help expreſſing theſe regrets; but we muſt not dwell on them. As it is, it becomes us to mind our own duty, and do the beſt we can.

You perceive the ſolid and manly grounds, on which he places the judgment of principles and

conduct,

conduct. Oh! with what ſilly prattling has divine genius diſgraced itſelf in this Seſſion of parliament! It is a mournful theme; but why was the wiſdom, and the greater virtue of what is above written, ſo wholly out of mind! Surrounded by conſpiracies on every ſide; with meaſures taken againſt us ſo palpable to the ſight, as to exclude evidence, by demonſtration; their lines now in motion, and hemming us round; exultation viſible in the moſt cautious face, audible in the tongue of moſt guarded ſilence; in a danger of ſuch a ſort, that a ſmall advantage was victory, and victory was ruin; in this plain and perilous ſituation, evidence was called for, as if in an Old Bailey trial for a petty larceny; and *becauſe* the criminals (like all criminals) pleaded, *not guilty!* Upon the "*de-*"*tached declarations*," that no evil was intended to the conſtitution by theſe enemies and plotters, the meaſures were held as innocent and good; when in the ſpirit of wiſdom, in the paſſage I have quoted, theſe declarations diſclaiming the rational concluſions from conduct, were themſelves the ſtrong evidence of deeper guilt; were themſelves the means, and the moſt certain means, of accompliſhing the utmoſt purpoſes of guilt. This alſo was done in times (I ſhall not ſay by thoſe) that believe in ſecret and flagitious anecdote; made itſelf the ground and juſtification of treaſon and crimes, without evidence and againſt evidence.

Of a piece with this empty palaver, was the celebrated dilemma, about negotiating with the preſent rulers of France. All war ends in peace given or aſked; and all peace of whatever kind is by negotiation. Accordingly, there muſt be ſome negotiation, or no peace; and if negotiation, is it not plainly better before war than after it? Dilemmas are eaſily enough framed, and prove nothing (as in themſelves) as to the abilities of the maker of them. It is only ſmall fry that can be hooked by them. Here, it was the moſt groſs begging of the queſtion that ever took place, or indeed it was worſe. It laboured under all the logical diſabilities, with names or without names. The parties were at iſſue upon this matter, (moſt certainly a fact in itſelf, and which the argument ſuppoſed to be a fact,) that by ſecret and inſidious hoſtilities, the conſtitution of this country was ſought to be overthrown, under the pretences and name of fraternity and friendſhip. But the dilemma is worth nothing, and will be hooted out of the ſchools, unleſs upon the ground of there being an open quarrel, upon underſtood circumſtances, that could be fairly ſettled by mutual compromiſe, and conſequent reconciliation. Theſe had hitherto been the quarrels of nations. Here, the danger ſtated, the evil, the miſchief, the very calamity, and the ruin itſelf, was—*negotiation*. It was putting the piſtol in the highwayman's hand. It was arming the aſſaſſin with his dagger. This

was

was the danger. If this was denied to be the matter of fact; then we were at the queſtion of evidence again; and the dilemma went for nothing. Ingenuity might have ſaid, (though I do not know that it was ſaid) that this was hard; to refuſe the demanded proof, and to reject the dilemma as if upon proof taken. But the anſwer of plainneſs, was the evidence of ſenſe. It pointed to France, and was ſilent. There was no queſtion but of evidence; and the queſtion was thus anſwered. Yet the dilemma ruined, by even making the matter a queſtion of proof, went farther than requiring proof, and held that no evidence at all was neceſſary; that there was no machination, conſpiracy, nor plot; no deed, no thought of evil. And thus not being in the ſituation deſcribed, it was moſt admiredly proved that we ought not to act as if we were in the ſituation deſcribed. Strange! that ſuch things ſhould faſten on ſuch underſtandings! and ſo ſuck out the blood of intellect, as to leave the brain dry of every thing but the duſt and powder of logical puerilities. It is an inſult to reaſon, to call them even reaſoning. *There is no ſpeculation in them.* They are worſe than the ſacrifice, with which Jupiter was contemned in times of old. They are a *heap of dry bones;* and not even (as for the ſhew of ſacrifice) *covered with fat.*

It was, beſides, a very ſtrange thing, that, in this matter, thoſe who condemned what they called

led ſtate etiquette the moſt, founded their own doctrines only in ſtate etiquette. The controverſy, when brought into formal propoſitions, was the recal and appointment of ambaſſadors; as if the national convention (as they are termed) had not ſpoken by their own mouths in their own decrees; as if they needed an interpreter; as if this go-between (contrary to the very principles of their *government* I ſhall call it) could have bound their nation; as if this rag of royalty had been a neceſſary republican inſtrument; as if (in ſhort) power in its modes of exerciſe, in all its qualities as well as quantity, had continued the ſame, with a change merely of perſons, but of the government itſelf neither in its principles, nor in its forms. It was thus that the reaſoning went on; faulty and fooliſh in this reſpect ſimply; had there even been in any other reſpect any claim to any kind of wiſdom, as there ſo very clearly was none.

I have not mentioned theſe fooliſh opinions as held by any man diſtinctively; and I will not mention them, as having been ſo held by any man. He who chooſes to forget them as having ever been held by himſelf, ſhall never have their memory revived by me. If they have paſſed as viſions through any mind of ſuch native nobleneſs, energy, and comprehenſive wiſdom, as to make it a cauſe of aſtoniſhment, that they ſhould even thus, and tranſiently, have been received, the ugly dream ſhall never be by me recorded. May its very tradition periſh!

periſh! I am willing yet to bend (as I have bent) the knee. But I will not worſhip even with him, who was the high-prieſt of the liberties of this nation, when the ſacrifices are offered with ſtrange fire!

In France, the deſtruction of property was attempted to be palliated by a double injuſtice, in holding out thoſe who poſſeſſed the property, as an unworthy order of men; who deſerved no favour, and had even no title to complain. The ſame thing was done in India. I go to the ſame authority from which I took the paſſage of wiſdom, that has furniſhed me with the commentary I have juſt ended.

"An endeavour to appropriate nine-tenths of "the nett produce of the country, is prudently ac- "companied with an attempt to vilify the perſons, "who are to be diveſted of their property. A "violent and arbitrary reduction of ſome thouſands "of noblemen, gentlemen, and freeholders, (for "ſuch ranks there were in Bengal, as well as in "England,) to a competent ſubſiſtence, that is, to "the level of the peaſantry, might perhaps excite "ſome degree of remorſe and compaſſion in Eng- "land. The next ſtep is to ſhew, that they are "incapable of acting for themſelves, or that they "deſerve no mercy." Inſtances are then given of this; and the accuſations are of a very contradictory caſt. And from them the concluſion is juſtly drawn:---"At this rate, whether they ſave or "diſſipate their fortunes, they are equally danger- "ous

" ous members of ſociety, and in both inſtances " ſubject to the coercion of government."

It is ſtrange, very ſtrange, that theſe ſentiments as to proceedings in India, ſhould not have been equally expreſſed as to proceedings in France. The *competent ſubſiſtence* to the French clergy, was ſurely no better than that to the Zemindars. Some degree of remorſe and compaſſion in England was naturally to be excited by it. It is ſtrange, very ſtrange, that Mr. Francis ſhould not have expreſſed it. But the ſame gentleman, will let us into ſtill more ſimilarities between India and France; however different his expreſſions may be as to theſe nearly ſame meaſures.

The nobles and clergy in France, were accuſed of oppreſſing the peaſantry. This was another pretext. And the rights of this claſs of men, were held forth with great pomp and circumſtance, as the cauſe and the juſtification of all. The ſame thing was done in India.

" Why is ſo much care taken *to fence and ſecure* " *the Ryots* (the Bengal peaſantry) *againſt the ar-* " *bitrary power of their Zemindars?* or why are we " told, *that the wealth of the country is to be found* " *in the wealth of the commonalty alone?*" Mr. Francis having aſked theſe queſtions, which almoſt give their own anſwer, and going into matters of detail, which cannot be placed here, makes this concluding remark, upon the different accounts given of the Zemindars as different purpoſes required, and ſuppoſing

ſuppoſing them to have been even at times guilty of oppreſſions.

" On all theſe opinions, whether reconcilable or " not, I ſhall make but one remark; that what- " ever defects or offences the Zemindars may now " have to anſwer for, ought juſtly to be imputed " to an arbitrary, rapacious government, from " whoſe practice oppreſſion originates and de- " ſcends through every rank; which confounds " and degrades all orders of men; and, by violent- " ly changing their ſituation, forces the higheſt " to adopt and act upon the contracted principles " of the loweſt."

The wiſdom of this paſſage is not much below that which I firſt quoted. Mr. Francis aſcribes any oppreſſive conduct of the Indian landholders in the caſe of their tenants, (by confeſſion only recent among thoſe who alleged it moſt) to the equalizing tyranny, which taking away dignity of rank and ſecurity of property, took away the ſtability and operation of morals and honour. I know very well, that the Mogul government in India, was a very mitigated deſpotiſm; and that there were even ſuch reſtraints from religion and law, as to make it ſcarcely, in the ſame even of the thing, a deſpotiſm. I know, too, that Bengal eſpecially, had been under a very ſtable and a very paternal government. But ſtill degradations of rank, and violent changes of property, could not be more miſchievous and unjuſt in Bengal than in France, upon any conſiderations of the rights

rights and duties of government and ſubject. It was an act in France more lawleſs and abominable ſtill; in the face of inſtitutions and principles, more aſcertained and known, of conſtitutional law and authenticated hiſtory.

How this very able man ſhould not have ſet his face againſt the proceedings in France, is to me incomprehenſible. How that perſpicacious and wide-ranging mind, which formed the *plan for a ſettlement of the revenues of Bengal*, ſhould not riſe up in a ſort of impetuous ſtrength againſt their meaſures and maxims, is what I cannot conceive. It was a mind that met with philoſophic vigour the little objections of common detail. It was a mind that, with deep and comprehenſive inveſtigation, expoſed the crude generalities of mere reaſoning. It was the mind fitted for this very occaſion; and it has refuſed its ſervices. The refuſal is puniſhment; and I ſhall not aggravate it.

Before returning to the General Aſſembly of Dauphiny, I muſt ſpeak a word or two with my friend.

After having given the robbers of France (and they certainly can find it there, in what I would certainly call villany, had not the man written it very honeſtly, and merely as in his innocent common-place) a refuge for their crimes in an opinion of Turgot; he proceeds to conſider, at ſome length, the confiſcation of the church-property in France. I have merely a ſlight remark or two to make, in conſequence

conſequence of the connection of this matter with what has been juſt above ſtated. The whole of my friend's argument on this ſubject, will be found from page 82 to page 102 of the fourth edition of his book.

He proves very clearly, that when the ſtate aboliſhes any inſtitution as miſchievous or uſeleſs, then the offices or places in that inſtitution fall with the inſtitution itſelf. Indeed, were this not the caſe, the inſtitution would not be aboliſhed. "The "ſalaries of a claſs of public ſervants," (as he therefore very truly ſays,) "are, in all theſe caſes, re- "ſumed by the ſtate, when it ceaſes to deem their "ſervice, or the mode of it, uſeful." He proves with equal clearneſs, (and indeed it is only a particular application of the general principle,) that where a nation (which yet ſo very ſeldom happens, is ſo difficult to do, ſhould ſo ſeldom be done, and could not now be done in this country) changes its religion; which among *Chriſtians*, beſides, muſt be in diſcipline and eſtabliſhment always much more than in doctrines; that then the eſtabliſhment of Epiſcopacy will not at all quadrate with the œconomy of Preſbytery, and that the ſplendour of the one muſt yield (as in ſuch caſes, it has always yielded) to the ſobriety of the other; while, of conſequence, the revenues, after ſupplying the new eſtabliſhment, go, in their ſurplus, to other purpoſes, better or worſe than they did before, as the thing may happen, but neceſſarily other than

than thoſe which now no longer exiſt. All this my friend has moſt clearly proved. All this was ſo evident, as not in any way to need to be proved. And all this, has nothing to do with the queſtion of the property of the clergy, in the hands of the church. What the queſtion itſelf is, as with the French confiſcators, we ſhall ſoon ſee, Gentlemen.

My friend acknowledges the neceſſity of indemnification in all caſes; and indemnification being a matter wholly of equity is a matter, accordingly, wholly of circumſtances. It *is in arbitrio boni viri* upon a view of the whole caſe; and there we ſhall for the preſent leave it. My friend has indeed ſaid, that the queſtion of church property had been confounded (and he muſt mean by Mr. Burke) with the claims of the preſent incumbents; but this is among the leaſt of the miſtakes that occur in his whole argument.

The greateſt miſtake, and upon which his whole argument reſts (ſo far as the argument applies any way to the queſtion,) is, that the lands of the church exhibited none of the characters of property, as being inalienable and limited, while he conceives it to be of the very eſſence and definition of property, that it ſhould contain the unlimited rights of enjoyment, alienation, and even abuſe. So that my friend's admirable ſenſe and acturate judgment have, in the ſervice of this French revolution, been made to deny the exiſtence of qualified property! So that the great maſs of entailed property in Scotland, and

what

what landed eſtates are held in a ſimilar way elſewhere, are not property! So that the Civilians have been all fools, who defined *dominium* to be *jus ex quo facultas naſcitur de re diſponendi eamque vindicandi*; NISI VEL LEX, VEL CONVENTIO, VEL TESTATORIS VOLUNTAS OBSISTAT! So that the founders of the Roman law, muſt have diſplayed more abſurdity ſtill; when there is a title in the inſtitutions of Juſtinian, concerning thoſe caſes in which the proprietor cannot alienate, and thoſe in which he can alienate who is not proprietor!

Property is ſuſceptible of a thouſand variations, it exiſts in a thouſand modes, and is property ſtill. When a man of very great ability ſpeaks very great nonſenſe, it puzzles one extremely. We always think there is ſomething that we do not ſee. I have looked at, and into my friend's argument again and again; and I can ſee nothing. There is nothing.

He ſays, it is confeſſed that no individual prieſt was proprietor, and how can there be a *body* of men poſſeſſing property that belongs to none of them *individually*? Did my friend never hear of *res univerſitatis*? that great diviſion of things in law: and did he not know that they were not (another great diviſion in law) *res publicæ*? as well as that they were not *res ſingulorum*? And did he not know that all theſe were equally *property*? of the *univerſitates*, or corporate bodies; of the *public*, or ſtate; of *individuals*? and all ex-

 cluſive

cluſive, each of each, to all purpoſes, and in all reſpects whatever?

He ſpeaks of the *corporate* property of *voluntary* aſſociations. Does my friend really think that a *ſocietas*, or mere company, or voluntary partnerſhip, is an *univerſitas*, or corporation?

He ſays, that the property of a *ſocietas*, or company, or voluntary aſſociation, is as ſacred as individual property. It is individual property; and, as ſuch, it is neither more nor leſs ſacred than any other property.

He ſays, that the clergy are only intruſted with the *adminiſtration* of the lands from which their *ſalaries* are paid. For whom are they adminiſtrators? For the ſtate? Then where is the ſtate's profit, after the ſalaries are paid? For themſelves? Then they are proprietors.

He ſtates the lands held by the clergy as ſimilar to a farm of which the rents are not levied, being given to a ſervant in lieu of his wages; and he aſks if the not levying of the rents is a relinquiſhment of the property? If a caſe of this kind were made out for opinion, it would need to be ſtated with its circumſtances. It is an illuſtration which needs much to be illuſtrated.

This illuſtration (holding it to be intelligible,) does not carry the argument an inch forward. It ſtands ſtill. Suppoſing the ſtate to have given *territorial penſions* to the clergy, (as my friend calls them,) inſtead of *pecuniary penſions*, what analogy has

has this with not exacting the rents of a farm from your ſteward, but imputing them in whole or in part of his wages? If the ſteward was in poſſeſſion of the farm as tenant before; the *forbearance of exaction* of rent by the maſter, is equivalent to *payment* of wages to the ſteward, and can be no transference of property, unleſs ſuch tranſference is expreſsly made; but it has no connection with the caſe of the clergy; for *non-exaction of rent* and *granting a penſion*, are two things totally different. Here the ſervant's claim for wages, and the maſter's claim for rent, are ſet off againſt each other. This is the whole affair. If a farm was given to the ſteward not formerly in his poſſeſſion, the ſame thing takes place; the deed ſettling the tranſaction, would expreſs what was done, and the meaning of parties; and he would either have the property whol to himſelf, or the poſſeſſion during the term of his ſervice, or for a number of years certain, or at the will of his maſter, or at his own will. Theſe are all the poſſible ways of conceiving the thing; and ſome of them aukward enough. None of them illuſtrate the ſubject they are brought to illuſtrate. They do not illuſtrate it, if the property is tranſferred. They do not illuſtrate it, if the property is not tranſferred. It would be as much illuſtrated, by ſtating the caſes of buying a yard of tape or a pennyworth of ſugar-candy.

But what is a *territorial penſion?* I never heard of any ſuch thing before; nor did any of you more than myſelf, Gentlemen. We have all heard

of penſions and other things ſecured upon land; and if any body thinks it a good name, he may call theſe territorial penſions if he pleaſes. But names make no difference as to things. The clergy have not a penſion payable out of lands; they have the lands themſelves.

And ſo my friend himſelf owns and ſtates; but he ſays that the eſtates are veſted in them by a fiction.

By a fiction in law, a perſon is often held to have that which he has not. A fiction to make a perſon not have that which he has, is quite new.

It is wholly impoſſible to find words for it. Eſtates veſted in the clergy, of which they draw the rents, of which their body has been in poſſeſſion for centuries, with regard to which they exerciſe every act of property, maintain and defend actions in courts of law; theſe eſtates are ſaid to be only the fiction of property. If it ſo be; give me the fiction, and let him have the reality who pleaſes.

And here again my friend brings in an illuſtration to darken the ſubject.

Firſt, take his own way of ſtating it. He ſays that in Scotland, the vaſſal in lands is *formally* ſtript of the property which he in *fact* enjoys. If this be the caſe, it is an inſtance the reverſe of what it is brought to illuſtrate; for *here*, with the fiction of not being proprietor, he is proprietor; while, in the caſe of the poor clergy, with the fiction of being proprietors, they are not proprietors.

My friend will not ſay that the one fiction, becauſe it is a fiction, proves the other fiction; which would equally prove all fictions.

Thus it fares with the illuſtration or analogy, in my friend's ſtatement of it. But my friend's ſtatement is——

The law of Scotland has no ſuch fooliſh fiction, nor can it be in any law.

The ſuperior and the vaſſal have both of them rights exceedingly well known, and which nobody can take from them. But it does ſo happen that the vaſſal's right (in direct contradiction to what my friend ſtates,) is, by way of eminence, called *the property*. Every day perſons ſpeak, (and the laws ſpeak) of the *property* of lands in oppoſition to the *ſuperiority* of lands *.



* By a recent deciſion, *Lillias Bald* againſt *Jane Buchanan*, March 8. 1786, (affirmed on appeal in the Houſe of Lords,) the right of property in lands was held ſo exceedingly diſtinct from the ſuperiority, that the property coming into the hands of the ſuperior, was found not to be conſolidated with the ſuperiority, without what the law of Scotland calls a reſignation *ad remanentiam*, by which alone, the property of the lands, thus reſigned by the vaſſal to the ſuperior, could be conſolidated with the ſuperiority in other caſes, and which even *here* was found to be eſſential, where the reſignation was to be made by the man to himſelf; by the vaſſal himſelf to himſelf as ſuperior.

There was only one judge of another opinion; which was moſt certainly the feudal doctrine. The *jus nobilius*, the ſuperiority,

Both rights, and rights equivalent to both rights, have been called, equally in older and later times, by

ty, was held to draw the property along with it, to create consolidation *ipso jure*, when the property happened by any means to come into the hands of the superior. The grounds of the decision are not my business here. They were not feudal; nor is there any thing feudal now in the law of Scotland, except the names; nor has been for a long time. But on feudal grounds themselves, my friend is equally unfortunate. The feudal law would not have gone the length which this decision goes; it would have made the property consolidate with the superiority, *ipso jure*, when both rights came to be in the same person. But they were equally separate and distinct rights at all times; according to the conditions of the grant. Both were (using the word as a general term) rights of property. At first, the grantee held at the will of the granter. Afterwards he held for life. Afterwards he held in perpetuity. The conditions of the grant regulated in all cases; as it was necessary it should regulate in all cases; it ascertained the rights of the superior and the rights of the vassal. And these became the law of the land.

I am ashamed of saying all this. The same thing happened in the Roman law. One person might have the enjoyment (*usufructus*;) another the property (or *nuda proprietas*;) for the Roman law used the term property (in this respect,) in a sense opposite to what we use it in Scotland; as if it were superiority. Upon the expiration of the usufruct, it consolidated, by the Roman law, *ipso jure*, with the property. Both were property as a general term; the one being called *naked property*. Had my friend said that the clergy were usufructuaries, and that the state had the *nuda proprietas*, he would have said something less apparently absurd, though as absurd really. They are neither usufructuaries nor vassals. And if they were usufructuaries or vassals, they would be proprietors.

by the name of *dominium*; the one *dominium directum*, and the other *dominium utile*. Theſe names were unknown to the old Roman law; but it acknowledged the thing. There are here no fictions.

Next my friend comes upon the matter of preſcription, which, he ſays, cannot do here, *becauſe the rights of property had never been exerciſed.* Nay; —but he does amplify amazingly as he goes on! I thought the rights of property had been exerciſed, though exerciſed only by fictitious proprietors; and might not this fictitious exerciſe, by running the term, make at leaſt a fictitious preſcription? But my friend had dealt enough in fictions; and was reſolved to be done with them.

As to the real affair; if there was need of preſcription, there is enough of it. But there is no need. The length of duration has its effects, to be ſure, but they are in another way.

And now having felt round the argument in all parts, for it cannot be ſeen; let us come to the main queſtion, as with the confiſcators of France, which can be ſettled in a twinkling.

Has the ſtate not only a right to aboliſh or new model inſtitutions, but, abſtractedly from the power of abolition and change, a right to ſeize upon the property belonging to the bodies forming theſe inſtitutions? I ſay moſt boldly, and peremptorily, and in the face of any man, that the ſtate has no ſuch right. Now this is the very queſtion to be decid-

ed, between the ſuffering citizens of France and their robbers.

The ſtate ought to aboliſh or change no inſtitution, but upon good and ſtrong and weighty grounds: it may (in point of power) aboliſh or change any inſtitution, upon any grounds or upon no grounds. If the inſtitution be wholly taken away, or ſo far taken away; the property belonging to it will be taken away, or reduced in proportion; with an indemnification to the holders of the property; and if the meaſure be unjuſt and lawleſs, the indemnification will follow its quality. But let the accidental qualities of the meaſure be here out of view. It will be taken away or reduced, as being the property of the body, not as being *not* their property. It will be taken away, becauſe there is no more uſe for it; it will be reduced, becauſe there is not uſe for ſo much. Whatever is left, will continue the property of the body ſtill; untouchable by the ſtate, *as property*, though it may be made to ceaſe *from being property*, by the ſtate. This right the ſtate has moſt unqueſtionably; and it has been exerciſed ſometimes with juſtice, and at other times with manifeſt injuſtice, among various nations. But whatever injuſtice may have been done, the principle of injuſtice itſelf was never maintained, till the French robbers came. Not even in India.

They maintain, that without any regard to the ſubſiſtence of the inſtitutions as uſeful or pernicious, their property (what has been called their property,)

perty,) belongs to the ſtate, and may be applied to the exigencies of the ſtate. A number of practical conſequences flow from this.

The moſt wealthy body will always be the leaſt uſeful, or the moſt pernicious. Riches will lead to abolition, in the caſe of corporate bodies, as in Turkey they bring a man to the bow-ſtring.

In the rightful claims of the ſtate, the fall of the property, is a conſequence of the ſuppreſſion of the inſtitution. In this demand of plunder, the ſuppreſſion of the inſtitution is a conſequence of the violent carrying away of the property that ſupported it.

In the one caſe, errors may be committed both in the preſerving what ſhould be taken away, and taking away what ſhould be preſerved. In the other (beſides our human weakneſs) injuſtice counſels and executes.

Where the property is held to be in the body, the plan to deſtroy muſt be accompanied with ſtrong reaſons, to get the better of that defence which the right of property naturally begets. Where the property is held to be in the ſtate, a claim is a title; the ſtate takes its own; and it may lawfully enough demand, before it be ſtopped, that ſtrong reaſons of utility ſhould be brought forward againſt it. This is ſuppoſing moderation to guide; not miſchief. Yet even here, who is to judge; and how long will the parties be allowed to prepare for pleading! The ſtate (in ſuch matters) when

when it puts in its claim, clearly declares it will ſupport its claim. There can be nothing held ſecurely in ſuch a nation. Not even upon moderate ſchemes. But they who hold this principle will never have moderate ſchemes.

It is, accordingly, of the greateſt uſe, this new doctrine, and of the very higheſt rank in the new faith. It gives the pretence of principle to a moſt unprincipled act. It makes the people accomplices in the people's plunder. The nation in this way plunders the nation, till the nation ceaſes to exiſt.

And now we are juſt where we were. My friend mentions many nations who have reformed their eccleſiaſtical eſtabliſhments. Among others, we in the Britiſh iſlands, did it. In Scotland eſpecially, the reformation; went to a much greater degree of retrenchment. Many bad things were done in Scotland, in accompliſhing the good work of reformation; but this is not to the point. When it was accompliſhed, the property of the old eſtabliſhment fell with the old eſtabliſhment. But there was no man in Scotland maintained it was not the property of the old eſtabliſhment; while the old eſtabliſhment continued. The old clergy were not held to have as little right to it, as "ſeamen to the property of a fleet which they "manned, or ſoldiers to that of a fortreſs they "garriſoned;" an analogy in this caſe which is juſt as diſtant; that is juſt as much nothing; as

in the other inſtances I have noticed. The French claim was unknown; the claim to ſeize property, without any queſtion, and independently of the queſtion, of the ſuppreſſion or change of the inſtitution. It is nothing, that this may be brought in to colour the proceeding. I ſpeak of the principle; that principle which foreſtalls injuſtice and panders crime.

Accordingly, (and this matter being ſettled) the only queſtion that ought to be, that upon principles of right *is*, in all ſuch caſes, is the queſtion of the utility of the inſtitution, and the character of the perſons belonging to it; and with regard to this again, unleſs very manifeſt inutility be proven, the very circumſtance of its exiſtence, much more of its long exiſtence, comes into the conſideration of abolition or change, and comes very ſtrongly. But here we are fairly out of the thickets, and have got at length on the turnpike. You can find your way yourſelves, Gentlemen.

One thing only remains, before I part with my friend. It is the matter of indemnification. My friend here allows, what is certainly not in the democratic principles, and has not been moſt certainly in their actions. I could detect more fallacies of my friend here too; were it worth the while; and he gets into a ſtrong declamation againſt the *prieſthood*; the technical name for the clergy when they are to be abuſed. But what I mean to place here, are Mr. Burke's notions on the

the ſubject of, what my friend would call merely, indemnification, though they are differently held by Mr. Burke; and as conſidering the ſtrong claims that ariſe, from what even (taken ſtrictly) is not property out of the diſpoſal of the ſtate. It is not in the book on the revolution I am going to ſeek. They lie before me in his ſpeech on œconomical reformation. It is too long; or I would likewiſe inſert (as an admirable illuſtration of the general argument,) the introductory matter of his ſpeech on Mr. Fox's Eaſt-India bill.

" There is a great deal of uneaſineſs among the " people, upon an article which I muſt claſs under " the head of penſions. I mean the *great patent* " *offices in the exchequer*. They are in reality and " ſubſtance no other than penſions, and in no " other light ſhall I conſider them. They are " ſinecures. They are always executed by de- " puty. The duty of the principal, is as nothing. " They differ however, from the penſions on the " liſt, in ſome particulars. They are held for life. " I think with the public, that the profits of thoſe " places are grown enormous; the magnitude of " thoſe profits, and the nature of them, both call " for reformation. The nature of their profits " which grow out of the public diſtreſs is itſelf, " invidious and grievous. But I fear that re- " form cannot be immediate. I find myſelf under " a reſtriction. Theſe places, and others of the " ſame kind, which are held for life, have been

" con-

" conſidered as property. They have been given
" as a proviſion for children; they have been the
" ſubject of family ſettlements; they have been
" the ſecurity of creditors. What the law reſpects
" ſhall be ſacred to me. If the barriers of law
" ſhould be broken down, upon ideas of conveni-
" ence, even of public convenience, we ſhall have
" no longer any thing certain among us. If the
" diſcretion of power is once let looſe upon pro-
" perty, we can be at no loſs to determine whoſe
" power, and what diſcretion it is that will prevail
" at laſt. It would be wiſe to attend upon the
" order of things; and not to attempt to outrun
" the ſlow, but ſmooth and even courſe of nature.
" There are occaſions, I admit, of public neceſſity,
" ſo vaſt, ſo clear, ſo evident, that they ſuperſede
" all laws. Law being only made for the benefit
" of the community, cannot, in any one of its
" parts, reſiſt a demand which may comprehend
" the total of the public intereſt. To be ſure, no
" law can ſet itſelf up againſt the cauſe and reaſon
" of all law. But ſuch a caſe very rarely hap-
" pens; and this moſt certainly is not ſuch a caſe.
" The mere time of the reform, is by no means
" worth the ſacrifice of a principle of law. Indi-
" viduals paſs like ſhadows; but the common-
" wealth is fixed and ſtable. The difference, there-
" fore, of to-day and to-morrow, which to private
" people is immenſe, to the ſtate is nothing. At
" any rate it is better, if poſſible, to reconcile our
" œconomy with our laws, than to ſet them at va-
" riance;

" riance; a quarrel which in the end, muſt be de-
" ſtructive to both."

When one begins to quote Mr. Burke, we are always tempted to go on. I could quote many pages to come. The reaſons aſſigned for preſerving the *patent offices*, even after the preſent lives and reverſions ſhould fall, and only reducing them to fixed ſalaries, are moſt beautiful and wiſe. They are in the very teeth of democracy. So indeed is the whole ſpeech. But I ſtop here. Theſe principles laid down as to the *patent offices*, I ſhall leave as I have tranſcribed them. Their application is indeed obvious.

Long ago, I ſettled all accounts with my friend, as to freedom of remark and animadverſion. He knows my way of expreſſing my mind; and, after all the fictions of which we have been talking, he would not like me to aſſume a fictitious perſonage. Beſides this is not a cauſe of ſoft and ſilken phraſes. I have now finiſhed all I had to ſay. The ſtate has no power over property, (that is power derived from right,) of any ſort or deſcription at all. Some lawyers have made a diſtinction (and the thing unqueſtionably exiſts) of *dominium eminens* and *dominium proprietatis*, as in regard to the ſtate; the firſt being that which concerns the general ſuperintendence and care of the ſtate over all property in it, of whatever kind; and the other being its own property in *res publicæ*, or things belonging to the ſtate as ſuch, and immediately. And there is a maxim of the Roman law, adopted (I believe) in

all

all law;—*intereſt reipublicæ nequis re ſua vtale utatur.* The rights ariſing from this maxim, are of policy and circumſtance, more than of laws; and in very free governments the maxim is apt to meet with not unfrequent oppoſition. However, the ſtate has an undoubted right to the wiſe exereiſe of this ſuperintending care; and we may ſafely admit with Mr. Burke, in the book on the revolution, that while the ſtate, as to corporate as well as private property, " is not the proprietor, either for " *uſe* or *dominion*," it is yet " the guardian and " the regulator."

The three orders of Dauphiny continued ſitting till Sunday the 28th of September. They made out a conſtitution for their ſtates, which conſiſts of ſixty articles. They might have ſpared themſelves the trouble, if they had had the ſecond ſight. It deſerves ſome conſideration.

Firſt of all, the principle was fixed, that it was of the eſſence of all true repreſentation, that it ſhould be by the free choice of thoſe who are to be repreſented. On this account, the claims of ſeveral privileges were rejected; and, in particular, the claim made by the Marquis de Maubec for the baronial nobleſſe; and this without any regard to their being founded in the old conſtitution of the ſtates. All ſalutary changes made in the conſtitution of the ſtates, would be ſanctioned by the king; and there could be none more ſalutary, than this of eſtabliſhing the right of free election; ſo eſſential

eſſential in itſelf, and ſo much deſired by the province. Thus, at once, the whole inelective ſeats of the French barons were taken away.

It is an idle thing, as in itſelf, to ſpeak now of what might have been the beſt conſtitution for the provincial ſtates of the French monarchy. But it is far from being clear to me, (taking the matter in its principle, and as applied and as applicable to other ſchemes and proceedings,) that it would not have been right to retain the inelective ſeats, with ſuch changes and limitations as expediency ſuggeſted. Expediency was no ground, (or a ſmall ground) of the proceedings that, now even, took place in France; and of thoſe even that were conducted with formality and deliberation. It was *right* alone they conſidered; that is their own notions of what was right; while expediency was judged of by opinions, not opinions ſubmitted to the teſt of expediency. A meaſure of this kind ſhews, and taken in this manner it eſpecially ſhews, how culpably in all reſpects, and every where, the government was abandoned to the attacks and demolition of theoretic innovation.

The ſtates were to conſiſt of one hundred and forty-four members, the repreſentatives or deputies of the three orders; of which the clergy were to ſend *twenty-four*, the nobility *forty-eight*, and the tiers-etat *ſeventy-two*.

In this way, the ſtates of Dauphiny ſet the example to the kingdom, of the *Tiers-Etat* having a repre-

repreſentation equal to that of the two other orders. This conſtitution *appointed* for the *ſtates*, had indeed been *aſſumed* for themſelves by the *orders* who met at Romans under the ſanction of the King. On the firſt day of their meeting, the members of the nobility who had been elected into this aſſembly of the orders, and who had arrived at Romans, were one hundred and ninety. The nobility reſtricted the voters to this number. Of the clergy only forty-eight had come up; and it was reſolved to count each vote as two, to the length of ninety-five. In conſequence of theſe proportions, the *Tiers-Etat* fixed *their* numbers at two hundred and eighty-five; preciſely equal to the two other orders united. The whole were to make one body. This was done by the conſent of all the orders, and of their own mere authority; which was, however, held as completely legal. There are here two very ſtrong conſiderations. The two other orders ſurrendered themſelves willingly and wholly to the commons. This was done as a previous act, and before proceeding to conſtitute themſelves an aſſembly. Such was the want of foreſight, ſuch the facility; ſuch was the aſſumed power, ſuch the tolerance of uſurpation. In both views Dauphiny was held out as an example to the whole kingdom; while her ſtates were declared openly to be the model of thoſe that were to aſſemble as repreſenting the nation. Theſe things happened before the notables

were called; they happened before the *arrêt* of the King in counſel, the royal proclamation againſt the other orders in favour of the *Tiers-Etat*. With what happened afterwards, was it poſſible that the general ſtates ſhould meet, and the *Tiers-Etat* not triumph!

I ſhall not go into the other parts of this provincial conſtitution. It was formed as on a ſyſtem of great permanency. Perhaps this is the moſt remarkable matter of the whole.

I muſt leave untold many things of great importance to be told. I cannot ſpeak of the affairs of the provinces as I intended to do. My work grows upon me; and I muſt have an end. I go directly to the meeting of the ſtates general.

They met at Verſailles on Tueſday the fifth of May 1789. The firſt proceedings are of vaſt importance to be known. I have left myſelf *now* neither ſpace nor leiſure, to ſpeak of any thing further than theſe firſt proceedings. And indeed as to them, and as to every thing elſe now to be placed here, what I ſay will (in relation to what I ſhould ſay) be as an index only, or a table of contents. I know not whether I ſhall ever at any time afterwards do more. But I have now only a few pages to put volumes in.

The *verification of powers* was the firſt buſineſs that occupied the ſtates. The forms obſerved in the French national ſtates to aſcertain that the members

members were duly returned, appear to have been the ſame with thoſe that take place, for the ſame purpoſes, (only that there is no diviſion of orders in this laſt) in the General Aſſembly of the church of Scotland. There is nothing analogous to it any where in England. The writs of return (called in Scotland the *Commiſſions*) were depoſited by the returning officers in the hands of the delegates themſelves, by them preſented to that chamber of the aſſembly of the ſtates to which themſelves belonged, and examined as to their validity by a committee appointed for that purpoſe, and whoſe deciſions were ſubject to review. Whatever form the ſtates ſhould take at the beginning (it was eaſily ſeen) muſt guide wholly, or chiefly, in all the after proceedings. The *Tiers-Etat* ſaw themſelves equal in numbers to the two other orders. This gave them great power; but it was not wholly irreſiſtible. While the ſtates ſhould vote *by orders*, they were ſtill under ſome check. This mode of voting by orders, had been the invariable rule in former times; unleſs in the very early aſſemblies of the *Champ de Mai*, or unleſs in particular caſes made by common conſent a matter of common diſcuſſion; a matter not without analogy to the conferences in England between the two houſes. The ſcheme now was, that the three orders ſhould form one houſe; the votes to be counted by the head. The *Tiers-Etat* could not then be reſiſted. This had been done in Dauphiny; and what had been done there, was not only example but authority.

The firſt ſtep to have the thing eſtabliſhed, was *verifying the powers*; or examining the validity of the writs of return; not in ſeparate chambers but in one aſſembly, and as in a common concern that ought to fall under common judgment. The project of having but one houſe, and of aboliſhing the orders, as in their ſeparate legiſlative exiſtence, was not new. Beſides that the prototype was found in Dauphiny, it had been in much converſation and diſcuſſion through the kingdom, and of debate, though not of deciſion, in places of authority, for a long time before. Nothing was done by authority to diſcountenance it. It now began as a ſtruggle for power; and the contention was not of long duration.

It was as evident before the event as after it (though here, as in other inſtances, the object was not at firſt avowed) that verifying the powers in common was aboliſhing the orders. But it had another injuſtice; and at the very firſt ſight. Even if it had only been a verification in common, the *Tiers-Etat* by their numbers could reject all thoſe commiſſions to delegates that themſelves pleaſed, and have moulded the aſſembly to their mind. In this way it was a claim of ambition and wrong; had it even been to ſtop here. It held out as a common deliberation, the aſſumption of power in the *Tiers-Etat* to admit and reject the members of the other orders. In this inſtance, the abuſe of names was conſpicuous, which has ſince been ſo

great

great an inſtrument of the French oppreſſions. Uſurped power was termed equal juſtice. The domination of one order was ſaid to be the agreement of all.

This firſt proceeding was ſo palpably indicative of what was to follow, that thoſe who ſaw it, ſhould have ſeen much more. The appellation of *Tiers-Etat*, which had formerly been reckoned a moſt honourable diſtinction, and much boaſted of by thoſe who ſtood up for the new meaſures, began about this time to be diſclaimed as a term of reproach. And it was about this time likewiſe, that firſt in any great degree, the third order began to call themſelves by the magnificent and now degraded name of *the nation;* thus excluding all others from any fellowſhip of right with their newly inſtituted and highly privileged caſt, who were now to diſplay their pride and power, with ſuch pomp and oppreſſion, in the face of all Europe.

Among the perſons elected into the *Tiers-Etat*, was the Count de Mirabeau. It was a great calamity, that this ſhould have happened. As far as I can take upon me to judge of a matter of French local law, the nobility of Provence did wrong in finding Mirabeau not entitled to a ſeat in their aſſembly, upon the legal objection ſtated to his titles; and which circumſtance led (as appears very probable) to his throwing himſelf with more vehemence into the cauſe of the third order. At any rate, there ſhould have been no ſtrictneſs of legal diſ-

cuſſion. In point of nobility the Count de Mirabeau was entitled to hold his head as high as any nobleman in Provence. It had deſcended to him in the hereditary courſe of nearly ſix centuries. Many of his anceſtors had alſo been men illuſtrious in their day. He has himſelf enumerated the ſervices of ſome of them. I remember likewiſe, that there was a gentleman of the name of Mirabeau in the carriage with Henry the Fourth when he was ſlain. And as to conſideration in other reſpects, I have been miſinformed, if upon the death of his father the Marquis, which happened ſhortly after the meeting of the ſtates, the Count de Mirabeau did not ſucceed to an eſtate in Provence of ſeveral thouſand pounds Sterling a-year. The Marquis was alive at the time when the nobility of Provence gave that legal deciſion, which found the ſon not qualified (upon the titles he had produced) to a ſeat in their body. It had fatal conſequences. It is certain that the Count de Mirabeau was proud of his name and anceſtry; and his nobility he loved even afterwards in rejecting it. A thouſand evidences of this are diſcernible in every thing he ſaid and did; and I have been aſſured by a friend (and it is in ſtrict conformity with his general character) that he could not bear to be addreſſed by the name of Ricquetti. How the energy of evil might have been circumſcribed within this circle of nobility, cannot now be told. It was not drawn around him.

It

It is needleſs to ſay that the *Tiers-Etat* ſucceeded in this firſt ſtruggle; the prelude and the means to all their future ſucceſs. Mirabeau did knights' ſervice to his new allies. It is a remarkable thing, that as the Count de Mirabeau was the moſt vehement and firm in ſupporting the claims of the *Tiers-Etat*; having declared that he ſhould remain, though alone and while alive, in his place and exerciſing his repreſentative functions, in oppoſition to all power and authority whatever that ſhould attempt the contrary; ſo his brother the Viſcount de Mirabeau, when after the firſt deſertions the nobles came at laſt in a body to join the *Tiers-Etat*, who had now conſtituted themſelves the National Aſſembly, declared, with equal vehemence, his reſolution to remain even alone, exerciſing his duties of a repreſentative as in his own order. Circumſtances rendered the one reſolution eaſy to be kept; and the other wholly impoſſible.

The arts that were employed and the little formal advantages taken by the *Tiers-Etat*, are as remarkable, as the violence of their proceedings, and the arrogant injuſtice of their claims. The government had publiſhed an advertiſement, mentioning that the place appointed for the reception of the deputies of the three orders ("*le local* deſtiné a les "recevoir") would be ready by nine in the morning of the next day after their firſt meeting. It was upon this circumſtance, and holding the expreſſion *le local* to mean the room in which all the

In the chamber of the nobles, the Counts de Clermont-Tonnerre and Lally Tolendal, were at the head of a very reſpectable minority, who were clearly for a conſolidation of the orders into one aſſembly, according to the avowed principles of the *Tiers-Etat*. This minority quitted their own body, to join the now named National Aſſembly, on Thurſday the 25th of June. There had been partial defections before. The Count de Clermont-Tonnerre made a ſhort ſpeech to the Preſident: A longer one was made by the Marquis de Sillery. Among other things Sillery ſaid; "let us never loſe ſight of the reverence which "we owe to the beſt of Kings, ſo worthy by his "perſonal virtues of being eternally beloved by "his people. He calls us his children: Ah! "doubtleſs we ought all to conſider ourſelves as "an united family, having different departments "in our father's houſe. He offers us peace: let "us accept it without heſitating; and let him not "behold the olive branch that he holds out to us, "decay and wither in his hand." Theſe were the words of Sillery, delivered in the preſence, and probably by the order, of his friend the Duke of Orleans,

only) more authentic than authenticity; being the democratic publications. Such are, among others, the *Courier de Provence*; the *Revolutions de Paris*, the great authority of Mr. Paine, and to which he refers his readers; and *l'hiſtoire de la Revolution de* 1789, quoted both by Paine, and by my friend Mr. Mackintoſh.

Orleans, who was among the minority that joined the National Aſſembly on this day. It was in alluſion to him, that Mr. Bailly, in his return to the ſpeech of the Count de Clermont-Tonnerre, expreſſed the joy of the Aſſembly in being joined by an illuſtrious prince, and ſo important and reſpectable a part of the French nobility. It is a cruel conſideration, that there were good and reſpectable men in this number, who now devoted themſelves to exile and ſlaughter, by this memorable ſurrender of themſelves and all their power.

It was only two days after, on the 27th of June, that the whole nobility of France ſubmitted to their conquerors. The Duke of Luxembourg thus addreſſed them :—" The order of the nobles has " determined this morning to take their ſeats in " this National hall, to give to the King demon- " ſtrations of their reſpect, and to the nation proofs " of their patriotiſm." Mr. Bailly in his anſwer, among other things ſaid, " that this day would be " celebrated in their annals. It renders the fa- " mily complete. It puts an end forever to all " diviſions. It accompliſhes the deſire of the " King. The National Aſſembly has now no " other occupation, than the regeneration of the " kingdom and the public felicity." It was thus Bailly ſpoke of his country, ſo ſoon to be rendered by his meaſures, and the meaſures of his fellows, deſolate and ſterile as his own moon. The proces-verbal of this day makes mention of the hall having

having reſounded with repeated acclamations of, *long live the King!*

On this ſame day, the remains of the clergy, who had not yet joined themſelves with the majority of their body, came to unite themſelves with the Aſſembly. The Cardinal de la Rochefoucault was at their head. "We are conducted hither," (he ſaid,) "by our love and reſpect for the King, "our deſire of peace, and our zeal for the public "good." The great body of the clergy (there had been many antecedent deſertions) had ſome days before united themſelves with the commons, having the Archbiſhop of Vienne as their leader. The way had originally been pointed out by three curates; who were received as in a triumph. There was now no power in France, but that of the people; and it remained to be ſeen how this power was to be employed. The chronology of names is a ſilly thing. The democracy was eſtabliſhed from this hour.

Theſe laſt remains of the clergy and nobility, who came thus to unite themſelves with this ſelf-created Aſſembly, cannot be much cenſured; at leaſt as things now were. Their ſeparate exiſtence was greater weakneſs than even the feebleneſs of their union. Conceſſion was now neceſſary; or the very exceſs of boldneſs. This laſt was undoubtedly the meaſure of wiſdom; could men ſee futurity. It would have been great happineſs to France, to have then incurred the miſeries of a

civil

civil war. The ſpirit of the country was not then wholly broken under the domination of the Pariſian republic. But to have counſelled this, would have required men and means; of which there were none in France: none, I mean, in ſufficient numbers or ſufficient efficacy and readineſs. Had there been ſuch men and means, nothing would have happened that has happened; the troubles might have been none; or few and ſhort; and happineſs might not only have ſoon ſucceeded but grown from calamity.

In this great contention, the King and his miniſter leaned much to the ſide of the *Tiers-Etat*. What has been inſerted already from authenticated documents ſufficiently ſhews this. Even in the *Seance Royale* of the twenty-third of June, (that act of deſpotiſm, as ignorance or wickedneſs has miſrepreſented it) the King expreſſed the ſame ſentiments. I ſhall ſay a few words of this *Seance Royale*.

It has been ſeen already how the King was led on ſtep by ſtep, to a criminal abandonment of all his power. It was thought however, (and perhaps he thought himſelf) that while the name remained the thing remained alſo. No ſort of exertion had for a long time been made, that could detect imbecility by conſciouſneſs. The royal authority was now called into act and found to be impotent.

The meaſure was injudicious in all its circumſtances; and the ſubſtantial diſability increaſed

their evil. The popular leaders ſeized the time; made circumſtances of error additions of ſtrength to themſelves; and found evil where there was none. On the one ſide was force and art; on the other ſimplicity and weakneſs.

At nine in the morning on Saturday the 20th of June, the Preſident of the National Aſſembly, (as the *Dean of the Tiers-Etat*, Mr. Bailly, was now called) with his two Secretaries, coming to the door of their hall, found it guarded by ſoldiers. The Preſident inquires for the commanding officer; who informs him that he had orders to prevent any meeting being held in the hall, on account of the preparations making in it for the royal ſitting.

The Preſident had no need for this information. He knew the whole matter before; though it was neceſſary for his purpoſes to act as if he did not know it. He had received two letters of official notice that very morning, in which the ſhutting up of the hall in which the Aſſembly met was mentioned, and alſo the reaſons of it. He had himſelf ſent an anſwer to the firſt letter, in which he ſaid, that having *received no order from the King* with regard to the royal ſitting, or for the ſuſpenſion of the meetings of the Aſſembly, it was his duty to attend the Aſſembly at the uſual hour. To remove this difficulty the ſecond official letter was ſent, aſſuring the Preſident, that the prohibition was by the expreſs orders of the King.

King. Both letters were conceived in terms of great reſpect. Much anxiety was expreſſed for preſerving ſafe, in the mean time, all the papers belonging to the Aſſembly; and a requeſt was made to the Preſident to mention the names of the Secretaries (who were, at that time, Camus and Piſon du Galand) that they might have free acceſs at all times, while for a day or two the repairs making by the workmen would prevent any meetings from being held. The Preſident did not think proper to return any anſwer to the ſecond letter; though it contained that authority to which, from his anſwer to the firſt, it appeared that he was ready to ſubmit. It was after all this had paſſed, that he and his Secretaries went to act the farce at the Aſſembly door, which was to be the prelude to the bloody ſcenes that ſoon followed in France.

The Count de Vaſſan, who was the commanding officer of the party ſtationed for protecting the hall, treated the Preſident with high reſpect. He told him, and thoſe who accompanied him, that the officers of the Aſſembly had permiſſion to enter. The Preſident and Secretaries came into the hall. They ſaw a great many of the benches had been removed, and the preparations that were going on. At the outer gate likewiſe, and all around, bills were ſtuck up, mentioning that the King was to hold a royal ſitting at the ſtates general, on Monday the 22d, and that till then, the meetings

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of the Aſſemblies of the orders ſhould be ſuſpended. It was by placards of this kind, that after the opening of the ſtates, their meetings and the place of meeting, were fixed for the ſixth of May, and in the halls which they had till now occupied. It was upon ſuch placards as of binding authority, that the *Tiers-Etat* claimed that the whole orders ſhould aſſemble in *their* hall. It was natural to think that what was held a ſufficient notification for meeting together, ſhould be a ſufficient notification of temporary diſcontinuance of meeting. On every ſide that it is viewed, there was no cauſe of complaint but to thoſe that ſought for cauſe. It was an error on the part of government, in the ſituation of things, to give any opening to the ſearch.

I might mention further, that public proclamation was alſo made by heralds at arms, both of the ſitting to be held, and of the ſuſpenſion of the meetings. It was a very remarkable thing, that though this was before the union of the orders into one Aſſembly, yet Mr. Bailly, in his anſwer to the firſt official notification, ſays that he has received no order from the king as to the *ſuſpenſion of the aſſemblies:* thus conſtituting himſelf the preſident of the whole. They are the words of the proces-verbal. It was in the ſame ſpirit, that after the fatal union, the Dean of the third eſtate was held the Preſident of all the orders in their new aſſembly.

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The Prefident and two Secretaries having come out of the hall, went immediately to a tennis-court; to which the other members alſo ſucceſſively repaired. And here they ſwore the celebrated oath never to ſeparate, "till the conſtitution of the "kingdom ſhould be eſtabliſhed and fixed forever "on ſolid foundations." Their next meeting was appointed for the following Monday.

The proces-verbal does not mention who propoſed and framed this oath. The Leyden Gazette gives it to Mr. Target. The real author was Mr. Mounier. He and the Count de Lally Tolendal were at that time very actively and moſt honourably engaged in their own and in the kingdom's deſtruction. Yet had there been many ſuch men in France, how great would have been the felicity of that people! The dreadful ſituation of France was, and her awful warning to the nations is, that honeſty and raſh wiſdom were the levers of wickedneſs to move the earth from its place of reſt, and unſettle the order of the univerſe! I truſt that her recovery is not yet wholly hopeleſs; and that ſhe is not from her preſent hell to preach this eternal warning to the world!

The members of the *Tiers-Etat* again aſſembled at the door of their hall on Monday. An official notification *from the King himſelf* had been conveyed to the Prefident, on the evening before, by the proper officer, informing him that the royal ſitting would not take place till ten

o'clock on Tueſday morning, and that, till then, the hall could not be open for the meetings of the Aſſembly. But the ſpirit of the populace was to be yet more raiſed; and no regard was therefore paid to the notification. The *Pariſians* had been informed of the events of Saturday, and they were aſſembled in crowds at Verſailles early on the morning of Monday. The heralds again made proclamation as before; and were again unheeded. The deputies of the commons began to appear, and ſurrounded by crowds of populace went firſt to their hall; then, the mob ſtill increaſing, to their tennis-court, which they found occupied before-hand by men and women of various deſcriptions, ſo as to be wholly inacceſſible; from thence they betook themſelves to a church belonging to a religious order, but neither could they there find entrance; ſo that they now ſet their faces, as ſeemingly reſolved to make their paſſage good into their own hall of the ſtates, and directed their courſe again to that quarter. All Verſailles, with its Pariſian accompaniments, was at their heels. Moſt luckily for the exhibition, it was a very rainy day. It added to the calamity and indignation. At laſt it was thought proper to put an end to this proceſſion of inſurrection. The Pariſian ambaſſadors had ſeen enough to carry back to the *Sovereign People* in the Palais Royal. The deputies at laſt aſſembled

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in the parish church of St. Louis; which was filled with about five thousand spectators.

In this church, Mr. Bailly and all except the *procession-members*, had been assembled long before. Indeed it was the place previously appointed for the grand union between the clergy (the majority of the clergy; so declared on the 19th) and the *National Assembly* of the *Tiers-Etat*. It is a wonderful thing to hear the Count de Mirabeau on this subject. In his "letters to his Constituents," he says, that the representatives of the nation (the *tiers-etat*) met in the church of St. Louis, where the majority of the clergy at last united themselves with the National Assembly: while the holiness of the place contributed to render the union still more solemn and august. It would be difficult (he continues) to describe the sensations of those who witnessed this scene. It seemed as if religion mingled with patriotism heightened the whole and made it more affecting. Ah! (he still says) how not be moved at the sight of worthy prelates, venerable pastors, shewing themselves truly the ministers of the God of peace, and swearing, at the foot of his altars, an alliance full of holiness and full of patriotism! Thus this temporary asylum, pointed out by the finger of chance, has become the temple of concord; and has made us for a moment forget, that a general union was still wanting to the happiness and wishes of the nation! This was the written language of the athe-

iſt and debauched Mirabeau; the cruel enemy of the clergy, and the great deſtroyer of the Chriſtian religion in France. It was thus theſe men (ſome of them evil men) threw themſelves headlong on perdition! It was thus, by this terribly farcical ſolemnity, theſe unheard of tragi-comic ſcenes, that many good men throughout Europe have been (perhaps ſome ſtill are) ſo miſerably deceived!

The Archbiſhop of Vienne was at the head of the clergy, who joined themſelves to the new aſſembly this day. The names of the whole majority are to be found in the proces-verbal. The clergy had met in the choir of the church, while the commons were aſſembled in the body. When every thing was ready for it, and the union at laſt took place, the church rung with acclamations. Mr. Bailly and the Archbiſhop each made ſpeeches, full of expreſſions about peace and fraternal love, and the meeting was adjourned till the morrow.

On that day was held the *Seance Royale.* All the three orders met (as on the firſt day of opening the ſtates) in the hall of the *tiers-etat;* now termed *la ſalle nationale.* The King obſerved that the ſtates general had now been aſſembled for nearly two months, and yet had not agreed among themſelves, even as to the preliminaries of their operations. He wiſhed to believe, he loved to think, that Frenchmen were not changed. He attributed thoſe fatal diviſions, which kept them in total inaction, not to their diſpoſitions or conduct, but

to

to the circumſtances of the times. As the common father of his ſubjects, as the defender of the laws of his kingdom, he had now aſſembled the ſtates a ſecond time around him; yet while he was eager to preſerve the true ſpirit of the laws, and to repreſs all attacks that might be made on their authority, and while the reſpective rights of the different orders were not to be without reaſon overthrown, he ſtill expected from the patriotiſm of the two firſt orders, from their attachment to his perſon, and from their knowledge of the urgent evils that preſſed upon the ſtate, that they themſelves would be the moſt deſirous of forming that union of deliberation and ſentiment, which was neceſſary in the exiſting circumſtances to the ſafety of the kingdom. This was the tenor of the firſt ſpeech made by the King on that day.

He alſo made a declaration concerning the preſent meeting of the ſtates general, conſiſting of fifteen articles. This, with all the other documents regarding the *royal ſeſſion*, is to be found in that day's proces-verbal. By this declaration the King expreſſed his pleaſure, that the antient diſtinction of the three orders ſhould be preſerved entire, as eſſentially connected with the conſtitution of the kingdom, but that, with the approbation of the Sovereign, they might deliberate in common, and with this character and powers were to be alone conſidered as the repreſentatives of the nation. It was a neceſſary conſequence of this, that the reſo-

lutions taken by the *Tiers-Etat*, on the 17th, by which they erected themſelves, under the name of National Aſſembly, into the ſole repreſentatives of the people, ſhould be declared null, as contrary to the law and the conſtitution.

The *cahiers* or inſtructions given to the members by their electors (a thing which alſo takes place in the General Aſſembly of the church of Scotland) enjoined them in ſome caſes, to vote only *by head*, while others enjoined their deputies to vote only *by orders*. It was a queſtion, whether the *cahiers* were to be conſidered as imperative mandates, or as ſimple inſtructions, left to the conſcience and judgment of the deputies themſelves. It was declared by the King, that they were to be conſidered in this laſt view only. This was alſo the doctrine of the high democracy; and it became a great engine of their after power. The King meant to take away all obſtacles to the union, while he preſerved the exiſtence, of the orders. The democracy having ſeized the national power, wiſhed to exerciſe it (as they have done ever ſince) without the real national controul. It was an ill judged declaration on the part of the King; although indeed the ſame conſequences would have followed, whether he had made the declaration or not. It is a very intricate diſcuſſion, what force was to be given to the *cahiers* or mandates. In the circumſtances, it was greatly different from the common queſtion of repreſentatives being bound

bound by the opinion of their conſtituents, where there is a ſettled order of conſtitution and government, and where the repreſentative Aſſembly does not meet for the avowed purpoſe of change and new eſtabliſhment. Certainly neither in France, would I have bound up and manacled legiſlative diſcretion. Without that, it was better their Aſſembly ſhould not ſit. But the authority of the *cahiers* was great and ſtrong.

The laſt article of this declaration (of which the great ſcope was the union of the orders in one body) regarded a matter, that had become even at that time of much neceſſity. The King ſtated, that good order, decency, and the freedom of ſuffrage itſelf, required that he ſhould prohibit any perſons, beſides the members of the three orders, from aſſiſting at their deliberations, whether in ſeparate meetings, or meetings held in common. Even already the mob of Verſailles and Paris had aſſumed that ſovereignty, in the name of the nation, which held in ſubjection the equally falſe popular authority, aſſumed by this National Aſſembly in the ſame name. The members were already openly hooted and applauded, as if they had been players on a ſtage. Indeed the meaneſt player before the moſt raſcally audience was in a ſituation much ſuperior to theſe repreſentatives of the French nation. It is only during the time of acting, that by the neceſſity and nature of the thing, the one perſon is ſubject to cenſure by the

ſame law on which he receives applauſe. He is liable to the firſt from ill nature, as he may obtain the laſt from folly. The poor French lawgiver felt or dreaded the laſh of his maſter at all times; and he needed to make the repeated experiment of the Eaſtern vizier to be ſatisfied that his head was on his ſhoulders.

After this declaration the King pronounced another ſpeech, as a preface to another declaration, under the name of *declaration of the intentions of the King*. It was not (he ſaid) to confine their zeal within the circle he was about to trace; for he would willingly adopt whatever ſhould be propoſed by the ſtates general. He might truly ſay (the ſpeech continued) that no King had ever done more for any nation; and what nation was more deſerving than the nation of France! At the ſame time he was not afraid to declare that thoſe, who by extravagant pretenſions, or by formal difficulties, ſhould delay the accompliſhment of his paternal wiſhes, would render themſelves unworthy of the name of Frenchmen.

The declaration of the King's intentions, was arranged under thirty-five articles. The very firſt article bore, that the right of taxation belonged wholly to the people. In the ſame manner, the King declared, that he would ſanction the renunciation of their pecuniary privileges made by the nobles and clergy. It was even to be placed within the power of the ſtates, to determine what circum-

ſtances ſhould confer and tranſmit nobility. With regard to perſonal liberty, and to ſecure it to the citizens in a way that ſhould be ſolid and durable, he requeſted the ſtates to conſider and propoſe the moſt ſuitable means for the *abolition* of *lettres de cachet*, and for ſecuring at the ſame time the public ſafety, the honour of families, and the repreſſing of ſedition and criminal correſpondence with foreign powers. The adminiſtration of juſtice; the abolition of many oppreſſive ſervices and uſages; and other reforms of immediate neceſſity or evident advantage; were not merely alluded to in general, but ſtated in detail. The only things that carried with them the idea of reſtriction or limitation, were the claſſing of certain feudal rights under ſubjects of property, when inculcating the reſpect due to property of all ſorts; and the concluding article of the whole declaration, in which his Majeſty expreſſed his reſolution to preſerve entire and undiminiſhed his authority over his army, ſuch as the French monarchs had ever enjoyed.

After the reading of this declaration was finiſhed, the King again, and for the laſt time, addreſſed the ſtates. Having now heard the reſult of his diſpoſitions and wiſhes, conform to his earneſt deſire of working out the public welfare, ſhould they, by ſome fatality which he drove far from his mind, abandon him in this glorious enterpriſe, he would himſelf and alone conſummate his people's happineſs; and knowing the inſtructions which the people

ple had given, the perfect union that exiſted between the general deſire of his ſubjects, and his own beneficent views, he would, in all the confidence that ſuch a harmony inſpired, proceed to the completion, with firmneſs and courage, of the nations wiſhes and his own. He put them in mind that none of their ſchemes or arrangements could have the force of law, but by his ſpecial approbation; that as the guarantee of their reſpective rights, all the orders might rely on his equitable impartiality; that diſtruſt on their part was to him great injuſtice; that it was himſelf hitherto who had done every thing for the good of his people; while the example, perhaps, was rare of its being the only ambition of a Sovereign, that his ſubjects ſhould at laſt agree among themſelves, in order to receive the benefits he had prepared for them.

The King concluded the ſitting in theſe words: —" I ordain you, Gentlemen, to ſeparate immediately, and to meet again to-morrow morning, " each in the chambers allotted to your order, " there to reſume your ſittings. And I deſire the " Grand Maſter of the ceremonies for this purpoſe " to get the halls put in order."

Such was this *ſeance royale;* which Mr. Paine has called *a bed of juſtice.* If any body ſhall think it worth his while, he may read on this ſubject the firſt part of *Rights of Man*, from the middle of page 110 to ſome lines down in page 112. Perhaps

haps it may be neceſſary for me to mention that it is this ſubject of which he ſpeaks; if indeed he can be ſaid to ſpeak of it, or of any thing. There are falſehoods in what he ſays; but the falſehoods are the moſt pardonable part of the matter.

No ſort of queſtion can be made on the King's right to do all he did at this royal ſitting, and to do more. If the King's authority had been held competent to fix the proportional number of the repreſentatives of the three orders, and if the King's authority had ſo fixed their number, how ſhould it not be competent, in any caſe, and much more in the diſagreement of the orders among themſelves, that the ſame authority ſhould proviſionally regulate, (and for this meeting of the ſtates) the manner of holding the aſſembly, and of the ſtates ſitting ſeparately or in an union of their orders. This matter ſhould have been fixed by the King at the ſame time when he ſettled the other important ſubject; and had it been done then, there would not have been a finger moved againſt it in all France. Such was the King's right, relatively to what he had otherwiſe exerciſed as his right, and what had otherwiſe been acknowledged as his right, and excluſively of all others as his right.

But the real fact is (and in the matter abſolutely taken) that the King in this laſt caſe had much more right; or (ſpeaking as accuracy and truth require me to ſpeak) he had a clear right in this laſt caſe, and no right in the other. By doubling the

the repreſentation of the *Tiers-Etat*, the King altered the conſtitution of the ſtate; which the King had no right to do. By interpoſing the royal authority, to ſettle diſputed points as to the manner of holding the ſtates, and to prevent any one order from aſſuming the whole legiſlative power, the King preſerved the conſtitution of the ſtate; which the King had not only a right, but was bound, to do. Indeed, without the King's poſſeſſing this proviſional authority (and not conſidering its other grounds), there could be no ſuch thing as an aſſembly of the ſtates. The King might leave the queſtion of ſitting ſeparately or together to be decided by themſelves; to acquieſce in their deciſion if they decided wiſely. If they did not decide at all (not chuſing to decide or diſagreeing in the deciſion) it behoved him to decide for them, from the very neceſſity of the thing. If they decided unwiſely, it was his right and duty (he might want the power, and this was the danger of delaying deciſion) to bring them back to what the conſtitution had declared. Otherwiſe the ſtates were the only power in France. Otherwiſe the ſtates were a ſelf-originated power. Otherwiſe the ſtates were no power at all; were a body with as little authority as any other body or individual in the kingdom. There were and could be no ſtates independent of the conſtitution of the kingdom, but on a principle which made them not to be ſtates. Where the ſtates were not competent

petent from ſituation or from law, the King was competent. In Britain the King, as guardian of the conſtitution, can *diſſolve* his ſtates. Surely in France he could *proviſionally regulate* what the ſtates could not regulate themſelves.

The right was certain; its exerciſe was wrong, becauſe it was impotent. The *tiers-etat*, that is the men who led the *tiers-etat*, were the Sovereigns of France. The King ſhould have known that he had reſigned his crown, and that it was not by holding a royal ſitting that he was to regain it. Had it not been for this inefficacy, the exerciſe was not only rightful but indiſpenſible. So much is there in times and ſeaſons.

The arguments of the *Tiers Etat* (now as at the beginning) were as full of chicane as their conduct was of wrong and violence. Give us (they had ſaid originally) a repreſentation equal to the two other orders; and they got it. We are the majority of the ſtates (they exclaimed when they had met, and when one or two curates had joined them;) and who will dare to reſiſt what the majority of the ſtates have willed? It is to be obſerved too, that this majority of the ſtates (before the union of the orders) might only be a majority of the *tiers-etat;* ſo that they might exerciſe the powers of a majority with a majority againſt them. Such were the effects of the double repreſentation; and ſuch was the bar logic now to become the legiſlative reaſon of France!

Mirabeau

Mirabeau has recorded a ſingular piece of chicane in creating the majority of the clergy. The pettyfogging metaphyſics were among them alſo. Mirabeau (you may be ſure, Gentlemen) does not call it chicane; and even his ſtrong mind approves in narration what it had performed in action. There were 137 votes againſt the verification of powers in common, and 129, for it, in the Aſſembly of the clergy. There were nine members who could be counted on neither ſide, and who, with certain reſtrictions, would agree to the common verification. Join us; ſaid the 129 to theſe members. That is impoſſible; the nine members replied; our opinions differ from yours wholly. Then *we* join with *you*, cried the 129; and we are thus the majority. The reſervations (they knew) were not of the value of a ſtraw, when the common verification once began. And this was the majority, that on the rainy day joined the *tiers-etat* in the church of St. Louis.

As to the King's right (even in my preſent rapidity of concluſion) I ought alſo to mention, that in the letters iſſued by the crown for calling together the ſtates, the reaſon of aſſembling them at Verſailles was expreſsly ſtated to be (and reſerving the right, now exerciſed) that by meeting near the reſidence of the King, as had been the caſe in the times of his royal anceſtors, he might, without in any way infringing on the liberty of their deliberations, yet preſerve that character moſt

dear to his heart, that of *their counſellor and friend*. Alas! the King did not then know that it was to be the Aſſembly of his cruel enemies! That the principal leaders in it were to be the very men, who ſhould ſit in judgment on him, and decree his murder!

When Petion ſucceeded Alexandre de Lameth as Preſident of this firſt National Aſſembly, Lameth declared in his ſpeech, printed by the Aſſembly's orders (5th December 1790,) that the choice of his ſucceſſor excited ſenſations of gratitude which overpowered even thoſe he felt for the honour conferred upon himſelf; while the collegue their votes had given him was equally fitted to reflect luſtre on his predeceſſor, and do ſervice to his country. Theſe were not words of courſe. Many of the preſidents did not praiſe one another; and many of them praiſed coldly. Petion was a Preſident of the Aſſembly before Mirabeau could obtain that dignity.

There were two diſcourſes of Petion and of Roberſpierre on the affairs of Avignon, which were printed by order of this firſt National Aſſembly. It is only becauſe language has not words, that names of greater atrocity cannot be given to the principles they contain, and the actions they juſtify, than to the (—language wants words alſo here—to the) days of Auguſt and September!

Theſe are moſt awful conſiderations; and it was my bounden duty to ſtate them. Perhaps I

may

may one day write the whole hiſtory. In the mean time; and to come where we were.

I muſt mention alſo, on this ſubject of right, what was ſaid by the Count de Mirabeau. He had ſat and voted in the Aſſembly of the *Provencial nobleſſe*, before the examination and judgment of his titles; and, in a minority of that body, he entered his proteſt againſt their reſolutions of voting not by heads but by orders. This was on the 21ſt of January; about five months before the time of which I now ſpeak.

He ſtated ſeveral objections to their reſolutions. Among others he ſtated it to be contrary to the conſtitutional law of the land, to fix any thing which ſhould take away the *proviſional power of the King*. "Can any one doubt" (he ſaid,) "that "the King is the natural convoker, the neceſſary "preſident, the proviſional legiſlator, of the gener- "al ſtates? It is an eternal truth, that the Na- "tional Aſſembly can itſelf alone regularly or- "ganize itſelf; but it cannot organize itſelf be- "fore it be an Aſſembly. Some one therefore "muſt aſſemble it, muſt proviſionally compoſe it. "But the proviſional power is with him that is in "poſſeſſion. This is demonſtrated by natural law. "This is demonſtrated by poſitive law. It is rare- "ly that theſe laws meet; but when they meet "they are invincible. You offend againſt both "by your reſolutions. You fail in your duty to "the

" the King; and you violate the laws of man. " Will this be done by the nobility of France?".

It was this ſame Mirabeau, who now declared that he would not obey the orders of his King; *this proviſional legiſlator, this neceſſary Preſident;* unleſs forced by the point of the bayonet; of which beſides he knew well there was no danger. It was in this ſame piece that Mirabeau called the nobility, the *corps d'élite* of the nation; ſaid that if ever they loſt their aſcendancy over the people, it muſt be by their own fault; and that no diſſenſions could long exiſt among them and the commons of France.

This injudicious act of the government (beſides being thus a matter of ſuch evident right) would, had it been an act of power, have been an act of the higheſt wiſdom. The *tiers-etat* were overthrowing the conſtitution, and committing manifeſt treaſon againſt the monarchy. In *England*, capital puniſhment would have been delayed no longer againſt the ringleaders, than after proof and judgment of guilt. The King of France only came to his rebellious ſtates as their *counſellor and friend*. He had no other power remaining; and this power was hooted at.

Thoſe who held principles in oppoſition to theſe rebellious claims were now (all former ſervices being forgotten) openly demanded as ſacrifices to appeaſe the populace. In the preceding November, M. d'Eſpremenil, after his impriſonment

in what was then thought the nation's cauſe, had returned, from priſon and baniſhment, to Paris. On the re-eſtabliſhment of the parliament, of which he was ſo diſtinguiſhed a member, maſs was celebrated by the Biſhop of Troyes. Even during the performance of this ſolemn and awful act of religion, the people could not be reſtrained from applauding M. d'Eſpremenil, as if it had been in a theatre. Now (about ſix months afterwards) it was publicly propoſed in the *palais royal*, by the orators of the Sovereign People, to burn his houſe, and to cut the throats of his wife and children. He reſiſted the claims of the *tiers-etat*. He (it was not the courtiers) called them treaſon.

The conſequences of this *ſeance royale* were reſolutions and acts more violent on the part of the Aſſembly, than any that had gone before them. If government had any means of reſiſtance, it did not employ theſe means. The whole orders (as has been already told) came, almoſt immediately after it, to form one aſſembly. What ſtrength could a government retain, which ſeemed of ſet purpoſe to expoſe its weakneſs!

Among other inducements to the union of the orders, it was thought that it might ſave the life of the King, then, even with all the public profeſſions of loyalty, thought to be openly in danger. Alas! they conſulted ill for the ſafety of his life, who did not conſult for the preſervation of his dignity and power! It was then that M. de Cazales,

a name

a name that cannot be pronounced without an inſpiration of heroiſm, which will live as long as human exiſtence, and be as widely known as human habitation; it was then, that this champion of France and freedom declared, that the conſtitution of the monarchy was to be preferred to the monarch. What was the monarch if the monarchy was gone! Could a King without power be long preſerved alive (even as an object of deriſion) among a revolted people! The union (as things now ſtood) could be juſtified, I have already ſaid; but not thus juſtified. Perhaps it could not be juſtified at all. Why ſhould I, or what title have I, to give an opinion? M. Cazales, and thoſe who thought with him, were againſt it in all points.

The Aſſembly, with all their great power, continued to diſplay all their official littleneſs. The day after the royal ſitting, they diſcovered, upon a ſearch made for the purpoſe, that there were ſome ſoldiers about the avenues to the place of meeting, ſtationed there to keep the mob from aſſiſting at the debates, according to what the King had ſignified in one of his ſpeeches. As they had paid no regard to the King's adjournment, but had continued ſitting and decreeing the day before; this notification to exclude the mob could not be expected to meet with much more reverence. But the Aſſembly went farther than mere diſobedience. They durſt not deny admiſſion to their maſters; and they were beſides of conſiderable uſe in for-

warding their deſigns. A remonſtrance was decreed to the King, claiming the right of police as to their own place of meeting; and this right was employed to re-admit the mob. More was done a great deal ſtill. This legiſlative complaint againſt a few ſoldiers placed as conſtables around their hall, enabled the orators of Paris to repreſent the Aſſembly as ſurrounded with military ruffians hired to cut their throats.

I am far from denying that its own police belonged to the aſſembly. I am far from denying that mere aud ſeemingly trivial forms, are often of the moſt material importance. Rouſſeau has ſaid in his *Lettres ecrites de la montagne*, and when explaining and defending his ſocial contract;—" *in* " *doubtful matters*, ſtop every novelty, ſmall or great. " If the ſyndics were in uſe to enter the council-room " with their right foot, ſuffer them not, if they de- " mand it, to enter with their left." Rouſſeau ſpoke moſt wiſely; and would that his diſciples learned and practiſed the leſſon thus taught them by their maſter! But it was in the very violation of the moſt eſſential forms, of the moſt eſſential principles, that the Aſſembly's claims of ceremony were made, to forward their plans of deſtruction.

I do not examine the King's right to ſend the ſoldiers. The Aſſembly certainly needed protection. The union of form and ſenſe and honeſty (political wiſdom itſelf) would have been, to decree that the police was theirs, and then to apply for the means of ſecuring it. But they had no

ſuch

ſuch things in their mind. Every meaſure and every thought was only of rebellion and ruin.

Such was the eſtabliſhment, the creation, of his firſt, this conſtituting Aſſembly; this plain, this tyrannical, uſurpation upon all the rights of the people and the throne; this domination of the leaders of the third order, which with ſome change of perſons, and narrowing more and more, and the more that it narrowed becoming alſo the viler, has been ever ſince the only power in France. How would our compaſſion, our horror, and our fears, be raiſed in viewing the ſteps of this progreſs! No perſon can judge of its hideouſneſs from what I have ſaid. You muſt go to the documents yourſelves, Gentlemen.

The King had now for a long time paſt received the daily incenſe of the new republican adulation. He had beſides the ſincere promiſes of his miniſter, that he ſhould be the happieſt and moſt glorious prince in Chriſtendom. The adulation ſtill continued; while the hopes were ever flying before him. Yet it now began to be offered not ſo unmixed as formerly, and democratical inſolence was now very clearly perceived in the very acts of democratical ſubmiſſion and hypocriſy. After the eſtabliſhment of the uſurpation, the adulation became plain inſult.

A ſingular occaſion of diſplaying the new ſyſtem that was to rule over mankind, removing the old morality as well as the old government, was

taken ſome time before this. It was among the firſt things Mr. Bailly had to do, when he was choſen to ſucceed M. d'Ailly, with the name and in the office of Dean of the *Tiers-Etat*.

The King of France, whoſe ſenſibility and affection for his children was ſo well known, ſaw his eldeſt ſon the Dauphin (who at laſt expired on the morning of the fourth of June) approaching after the long and painful ſtruggles of diſeaſe to an early (and as it has happened, not an unfortunate) grave. The day before his death, a letter from his father informed the chamber of the third order, that a deputation from them which was to be received as of that day muſt be delayed, as his child ſeemed to be near the agonies of diſſolution. This delay the chamber thought it did not ſuit its dignity to grant. Many ſpeeches were made on the occaſion. There were ſome of them very violent. The moſt moderate of them proceeded on ſentiments of this ſort. "Inſtead of the melancholy condition of the Dauphin" (they ſaid) "ſeparating us from the King, it is the ſtrongeſt "motive of our intercourſe with him. Who better than *the nation* can conſole a good and generous prince! It is in the midſt of his people "that he ought to place himſelf in theſe moments "of grief and affliction." Upon the riſing of the Aſſembly accordingly, Mr. Bailly went with his deputation, upon the buſineſs of verifying the powers; and by ſtating the ſeditious deliberations

and

and treaſonable demands of his order on this ſubject, to conſole the father for the death of his child!

Their benevolent intentions in this conſolatory deputation, were in ſome meaſure diſappointed. The King had gone to Meudon. Mr. Bailly's inſtructions were poſitive, and durſt not be diſobeyed. He and the deputation waited. The King returned in the evening, about half after nine; having taken the laſt look of his ſon, who died a few hours afterwards. He had quitted his bedſide in an agony of grief, and on his arrival at Verſailles gave orders that he ſhould be ſeen by nobody. He ſhut himſelf up in his room; but it was now no ſanctuary for affliction. He was told that the deputation were waiting. The exclamation of his burſting heart was—*Are there then no fathers in this tiers-etat!* He was ſoon to experience in his own perſon, that they had nothing remaining of human feeling.

The card has been preſerved that the King wrote on this occaſion, and by which Mr. Bailly was prevailed on to retire. It was in theſe words:—"It is impoſſible for me in the ſituation in which "I am at preſent to ſee Mr. Bailly this evening "or to morrow morning, or to fix a day for re- "ceiving the deputation of the *tiers-etat*. Shew "this card to Mr. Bailly as his and my apology." The card was addreſſed to the keeper of the ſeals. Mr. Bailly produced it as his juſtification next morning, to the chamber of his order. The de-

putation was received by the King two days afterwards.

This was the firſt great beginning of the new morality. It reached its full growth almoſt in its firſt exertion. The ſacred character of the father of a family was violated in the perſon of their King. The attachments of royalty and the family affections fell together. The conduct of the third order was by its applauders at the time called "truly civic." This new name alone befitted it. The terms hitherto uſed among mankind, had no power to denote ſuch actions. From this time onward the King's life was a life of diſgrace and inſult. Their civiſm outraged a father's ſorrows; it outraged feelings perhaps ſtronger than thoſe of a father. The huſband (and that huſband a King) ſaw his wife inſulted, and could not protect her; ſaw his wife inſulted, and could not hope to avenge her! It was the moſt maddening torture, the moſt degrading puniſhment, ever inflicted by human violence leagued with and prompted by hell. His public character which had originally been the means, ſoon became the object, of the ſame contempt and indignity. Not four months after the times of which I ſpeak, he was made a priſoner with his family; brought out on public occaſions as a public ſpectacle, to make ſport on their feſtival days before the people and their lords. At laſt, their purpoſes being in this way ſerved, and weary even of inſult in the repetition, they changed

ed his open ignominy, after it had endured three wretched years, into ſolitary criminal confinement. Here for five months he was ſhut up from the intercourſe of his family, and denied every human conſolation; while every infernal torment of the mind, that thoſe ſpirits could teach whoſe puniſhment is ſaid to conſiſt in the practice, was inflicted by the human inſtruments of not human crimes. There was no deliverance; no hope. The eye of religion could alone pierce through the darkneſs; and perceive felicity beyond the grave. Their cruel mercies at laſt made him die. In his death they denied him the conſolation of the robber and the murderer. He was ſurrounded in his aſſaſſination by ruffians and ſtabbers, whoſe face had never expreſſed, whoſe heart never felt compaſſion for human miſery. At his fall they raiſed a helliſh ſhout, and their faces gleamed with a ſavage joy. What power they ſtill poſſeſſed, they ſtill exerted. His lifeleſs corpſe was an object of violation. And that nothing might remain of *him*, whom his very judges had once hailed and legiſlatively decreed the deliverer of France; the laſt mercileſs counſels of his enemies were for the utter and ſpeedy extinction of what nature had willed ſhould more ſlowly periſh. Their wickedneſs and vengeance went with him to his grave. When honour and freedom returned to France, they ſhould ſeek in vain the turf that wrapped his clay!

I have

I have mentioned the beginnings of theſe things; and I go no farther. What remains is a hiſtory; and a long hiſtory. It is certainly my bounden duty (if I ſhall not ſee it otherwiſe performed) with proper leiſure, and at proper length, to write this hiſtory. At preſent I ſtop; only firſt with the mere mention of certain prominent events, to which the references and alluſions have formerly been ſo frequent, that it would be unpardonable to cloſe my conference with you, Gentlemen, and not to ſpeak of them.

While the revolutioniſts were employed, in the manner that has been ſtated at Verſailles; neither themſelves nor their agents were idle at Paris. It is exceedingly ſtrange (and it has been remarked before me) that Mr. Necker ſhould have aſſembled the ſtates at Verſailles, in the known fermentation and diſpoſitions of the capital. You have ſeen it ſtated, Gentlemen, as a reaſon aſſigned by the King for aſſembling them there, that they might be near his reſidence; under his paternal inſpection, and ſovereign controul. Theſe were claims made for the King even by Mirabeau. To thoſe who knew the condition of Paris, it could not poſſibly be unknown (unleſs by the eye-ſight being wholly loſt in the blinding radiance of deluſive reformation) that this city and not the King muſt have the controul; that this city muſt have (what the King neither had nor claimed) the maſtery of the Aſſembly,

Aſſembly, and, through the Aſſembly, the maſtery of the King and of the kingdom.

The great matter, and at which all the engines of democracy were at work, was to gain over the army. This had been completely effected in Paris many months before the Aſſembly met. The meaſures of the court, ſo far from counteracting the dangerous working of theſe machines, increaſed their force and pointed their direction. I do not ſpeak of Mr. Necker here; nor of the men in public office, denominated the adminiſtration; but of the courtiers commonly ſo called; and who had or exerted no wiſdom to ſave themſelves or their maſter. As if the mere name of ſoldier ſecured obedience and loyalty, no precautions were taken againſt the civic conſpiracies of Paris. In theſe meeting the ſoldiers, ſome with the hopes of having no maſters, and ſome of having better, were ſoon taught to forſwear obedience to the King, and to vow allegiance to the nation. They were, at the times at which we are now arrived, prepared for any enterpriſe; and to carry their principles into the execution of any thing.

No ſooner alſo had the third order declared themſelves the *National Aſſembly*, than deputations arrived from Paris, from known and from unknown bodies, congratulating them on their courage, their patriotiſm, and their ſucceſs. In theſe deputations, or among thoſe who ſigned the addreſſes which the deputations brought, were many of the leaders

of

of this National convention; indeed (and ſpeaking literally) almoſt all of them, who were not already members of this conſtituting aſſembly. Such was the ſtrength within doors and without. Beſides theſe, addreſſes came in, as faſt as they could be procured, from corporate bodies, or individual aſſociations, in the provinces. No time was loſt; and no opportunity.

But it was neceſſary (beſides the general rebellion which had long and knownly ſubſiſted there) to do ſomething deciſive in the capital itſelf; which ſhould mark the power poſſeſſed, and ſhould eſtabliſh it. Some of the civic ſoldiers of the French guards, by an expiring effort of military diſcipline, had been committed to the priſon of the Abbaye. On the evening of the 30th of June, a letter was read in the *Palais Royal* from one of theſe ſoldiers, in which his own caſe and that of his comrades (ſuffering it was ſaid, in the cauſe of the people) was heavily bemoaned; while they were to be committed (he ſaid) to another and cloſer priſon, if they ſhould not be immediately reſcued. The priſon was attacked upon the inſtant; the ſoldiers ſet free, carried in triumph by the people, and feaſted publicly by their deliverers. A deputation was named to proceed to Verſailles, to demand their pardon from the king, through the mediation of the Aſſembly.

The National Aſſembly (ſtrange and incredible as this may appear in a legiſlative body, met to give a conſtitution to an empire!) deliberated upon

on this demand, and ſent a deputation of their own number to the King; not for the purpoſe only of obtaining the pardon of the mutinous ſoldiers, but to ſtate the demands of the rebellious people who had attacked the priſon, and ſet them free. The King (ſuch was the feebleneſs of his authority) durſt not refuſe what was thus demanded; but in his anſwer to the Aſſembly, he took this occaſion to ſtate what the Aſſembly, from mere decency and abſolute truth, and that they might not ſeem in their very commencement to be wholly mob themſelves, had alſo ſtated, that the diſorders in Paris were moſt alarming, the ſpirit of diſobedience and rebellion moſt dangerous, and that meaſures of ſtrength were indiſpenſibly neceſſary to repreſs the commotions; in which he truſted the royal authority would prove effectual with *their* concurrence and aſſiſtance. In the mean time, with the hopes of pardon held out to the ſoldiers, and while complete impunity was enjoyed by the lawleſs mob that had broken the priſon, the King reſerved their abſolute acquittal, till more deliberation could be employed. It was not thought fitting to expoſe the miſerable nakedneſs of his authority; which it was imagined might be ſomewhat covered in this delay. The people would not, however, ſurrender their friends. They kept them for ſix days, viſited by all the populace and ſoldiers of Paris; inflaming themſelves mutually and inflamed. At laſt, they went back to priſon, upon the certainty of immediately coming

ming out again, and obtaining their pardon; while this inſulting act of obedience was held out in Paris, and by the National Aſſembly, as a full atonement, and more than an atonement, for all that had gone before it; and as a proof which none could gainſay, that a more loyal people did not exiſt than his Majeſty's faithful ſubjects of Paris. Oh! that I had but time to put it all down here! But let not any perſon, who reads this, forget, that theſe priſoners were returned to the Abbaye (for the purpoſe of proving that Paris was loyal, and of coming out again) not till after the troops which the King had ordered to advance, were drawing near to the capital. Then, and by ſuch means, theſe troops were to be repreſented as the *hordes* of a deſpot, that had come to overthrow the riſing fabric of a free conſtitution; and to maſſacre an innocent, peaceful, and loyal people.

The troops had been employed, had been demanded before, by the revolutioniſts themſelves; and in caſes of much leſs emergency than the formidable rebellion that raged in Paris. I have been able to ſay nothing of Bretagne. The King ſent into that province, a very ſhort time before this, more regiments then were now called to Paris; and for the expreſs purpoſe of ſupporting the *tiers-etat* in their claims againſt the nobility of the country. In the ſame manner, and for the ſame purpoſes (to ſupport the *freedom of election* in favour of the *tiers-etat*) troops were ſent to Niſmes.

Wherever

Wherever there had been commotions, there had alſo been troops; and theſe troops were on a ſervice they liked; ſupporting, all, the new ſyſtem. But when the King, uſing the little authority that ſtill remained to him, took meaſures for oppoſing in ſome degree the open rebellion of his capital, it was then, that recourſe to military power was held treaſon to the nation.

Not that I approve of what was now done by the court; but it is becauſe enough was not done. Here again, as in all the former caſes, power was not called out till power was gone.

Neither do I approve of the change of adminiſtration, nor of the diſmiſſion of Mr. Necker; becauſe no better nor firmer adminiſtration was put in their place; becauſe what hold had been kept of the people by employing popular men was loſt; becauſe all the further evils of unpopularity were incurred; and becauſe new pretences were thus furniſhed to rebels for juſtifying what they had done, and for doing more. Mr. Necker, according to his own account, had not refuſed his ſervices. He had thoughts of reſigning at the time of the *ſeance royale*; but he had altered his intentions. His remaining (unleſs he altogether ſhould refuſe his co-operation) might have given what vigour could be given to the meaſures now about to be adopted. Yet what could have been done! All was feebleneſs around the throne. Even as to the pretences which were thus furniſhed to the revolters,

ters, if they had not found pretences, they would have made them; or they would have gone on without any pretences at all. Theirs was power; theirs was alſo and therefore ſucceſs; and events (they well knew) were the juſtification of means in all ſuch proceedings.

The revolutioniſts had no love for Necker. Not one of them. He was attacked openly from the very firſt meeting of the ſtates. Mirabeau publiſhed a paper, which was immediately ſuppreſſed; two numbers only having been printed, under the title of *Etats-Generaux*. The ſuppreſſion is mentioned and complained of loudly in his letters to his conſtituents, which came in the other's place. I have theſe two numbers by the favour of a friend. It is no wonder, that Necker iſſued the order of ſuppreſſion, if he conſulted only his indignation. It is ſurpriſing he ſhould have done it, conſulting his judgment; or ſhould not have done more.

All the hypocritical lamentations on the diſmiſſion of Mr. Necker, all the congratulations of the ſame ſtamp on his return, proceeded from the ſame ſpirit, had the ſame deſign, and produced the ſame effects, as the other means in this dreadful conſpiracy againſt France and the human race.

At laſt on the fourteenth of July, the Pariſians aſſumed in full form that barbarous ſovereignty which has been ſince that time exerciſed in France. The hiſtory of that memorable day, and thoſe which ſucceeded it, exceeds in atrocity whatever had

had been recorded in former times among men! Who would hold the balance of crimes, and weigh out iniquities and horrors! Yet our minds muſt pronounce ſomething on the objects they ſurvey; and when this is conſidered as the firſt great act of murder and blood, I know not whether it will not be thought to go beyond the days of Auguſt and September!

One circumſtance is common to all theſe maſſacres, and to the dreadful times alſo of October 1789. Some plot was ſaid to be hatching by the court againſt the nation in all of them. This has been ſaid with regard to Auguſt and September; and known by every body to be falſe. This was ſaid as to July and October; and by many (alas! too many) believed to be true. The French monſters likewiſe in all theſe maſſacres were repreſented as having great tenderneſs and humanity. A murderer was repreſented as returning from carnage, beſmeared with blood, to embrace his wife and fondle his children. The cry of aſſaſſination was—"*They kill our brethren.*" Theſe were the circumſtances, and this was the cry, of Auguſt and September. They were the circumſtances and the cry of the times before them. The public aſſaſſin gloried in the trophies he carried on his pike, and received the kiſs of infamy for the deed of murder. The family relations were made the inſtruments of crimes. Infancy ſaw murder applauded in manhood; and was ſure to practiſe

what it heard praiſed. The mother ſung ſongs of blood, while the father perpetrated deeds of blood; and their offspring had long renounced humanity before they were men.

Much is now known about the taking of the Baſtile; and much ſtill remains to be told. I cannot tell it here. It is now known to every body that ſcarce any priſoners were found in it; and that thoſe who were in it were ſuch as ſhould have been in it.

They were not the horrors of a ſingle day; and the bloodſhed of the fourteenth was only the begining of ſorrows. The bloodſhed was in every ſingle inſtance without cauſe; and the whole maſſacres continued as they were begun from fixed counſel and premeditation. Among the horrors of thoſe days, I ſhall mention only (as having come under a ſort of obligation to do it) thoſe of Wedneſday the 23d of July. My authority is the book to which Mr. Paine refers for the authenticity of his whole narration. Many more things ſhould be ſtated; but I ſhall ſay nothing which is not there. The author of this book at this time, was a perſon for whom afterwards, at his death, the members of the conſtituting aſſembly went into mourning.

An old man of the name of M. Foulon, a counſellor of ſtate, was ſuppoſed to have been connected in ſome degree with the ſhort-lived adminiſtration that ſucceeded to Mr. Necker. He had not been

been popular formerly; and this circumſtance rendered him more obnoxious ſtill. Nothing however could be found as matter of charge againſt him in any of the late tranſactions; but it was at laſt remembered, for the purpoſes of democratic vengeance, that under the adminiſtration of the Abbé Terray (the famous financier of Louis the Fifteenth) he had ſaid, or been reported to ſay, that if the people would not be contented to eat bread at a certain price, they ought to have nothing but hay given them. From this it was inferred, that had he obtained power now, he would have reduced the people to this diet; and his death was therefore decreed!

Warned of his danger the poor old man had fled; concealing himſelf in a friend's houſe at a ſmall diſtance from Paris. He was traced by their blood-hounds, and ſoon diſcovered and ſeized. He was conducted to Paris by the mob, who had loaded him with ſacks of hay, an emblem of his accuſation and of his puniſhment. Having led him to the *Hotel de ville*, where judges were to be immediately appointed for his trial, an immenſe crowd was in the mean time gathered around the *place de Greve*. It was continually increaſing; and in a ſhort time they loudly demanded that Foulon ſhould inſtantly be delivered over to them for execution. The *Electors* of Paris came to the multitude. They dared not to defend the innocent old man; but they beſought the people to allow

him to be fairly tried. They ſpoke to the winds. Then Mr. Bailly came. He was now from Preſident of the National Aſſembly become Mayor of Paris. His eloquence and authority were employed equally in vain. In the mean time their victim heard the ſavage cries of his enemies; thoſe howlings of murder more dreadful than death. He was ſerene and calm. One of his guards ſaid—"You are not moved, Sir; ſurely you are innocent."—"Guilt only," he replied, "can be diſconcerted." At five in the afternoon, the committee of the city election thought the people might be prevailed on (ſays the hiſtorian whom I copy) to allow him to be carried to the priſon of the Abbaye. A detachment of the city militia was ordered for this purpoſe. M. de la Fayette now arrived. Even he durſt not uſe authority: Even in the beginnings of his inglorious generalſhip he knew and felt he had no power; but beſides uſing entreaties, he employed the artifice or the brutality of telling the people, that many ſecrets regarding the machinations of the court might be diſcovered by detaining Mr. Foulon priſoner inſtead of inſtantly murdering him; thus feeding their ſavageneſs by the hopes of further victims, and giving truth to thoſe horrid calumnies which were made the cauſes of crime. The old man (it was ſaid) gave marks of ſatisfaction at the mention of being committed to the Abbaye. He will eſcape us; cried the people! In the preſence of all their magiſtrates, of their

Mayor,

Mayor, of the General of the new forces of France, they raiſe a ſhout of fury, break through the guards, ruſh into the town-houſe, drag the old man to the *lanterne* which had already been the inſtrument of ſo many murders. The cord broke. Another was inſtantly found. His head was then ſevered from his body; and fixed on a pike. It was carried in proceſſion, with an handful of ſtraw thruſt into his mouth. His body was dragged through all the ſtreets, and ſuffered every indignity. Bailly and La Fayette ſaw this ſcene of horror; and continued to be called Mayor of Paris and General of the Pariſian army.

The hiſtorian who records, applauds this deed. "His body dragged through the mud announced "to tyrants the terrible vengeance of a juſtly ir- "ritated people. There is doubtleſs a juſt God, "who wills that ſooner or later the wicked ſhall "pay the forfeit of their crimes." Yes! there is a juſt God! There is! notwithſtanding the being once was on this earth, that thought, wrote, and publiſhed what is here! Where is he now! The Devils never ſo ſinned! Merciful God! interpoſe and ſupport me. What brain would not whirl!

The Intendant of Paris, M. Berthier was married to this old man's daughter. He alſo had been obliged to quit Paris; though wholly guiltleſs of any act of oppreſſion or wrong; ſo much guiltleſs, that to ſtir the minds of the people, an accuſation (at whoſe abſurdity laughter in other circumſtan-

ces could not have been reſtrained) was made againſt him, of having ordered the corn to be cut down when green! He was arreſted at Compiegne. An *elector* of the city of Paris was ſent to bring him thither. On the road he was frequently compelled to come out of the carriage, and ſhew himſelf to the people, who inſulted him as he went along. When he entered Paris, the top of the carriage was taken off, that he might be fully expoſed to the view of the mob; who loaded him with execrations and outrages. A numerous guard attended him, accompanied with military muſic; drums, colours, every thing that could mark a triumph. The proceſſion was witneſſed by all Paris; every door, window, and balcony was filled. Mr. Berthier ſtill maintained the utmoſt ſerenity. Tranquillity (and the hiſtorian ſtates it as a crime) was painted on his countenance. But the proceſſion had advanced only a little way, when the mangled and bloody head of his father-in-law was preſented to him, fixed on a pike. They had juſt come from his murder. After this infernal act, he was led to the tribunal; the ſeat of equity, the hiſtorian calls it, and the aſylum of innocence ſo fatal to guilt. He anſwered with manlineſs the queſtions put to him. They had his papers, he ſaid; and theſe papers never at any time afterwards diſcloſed any crime. He then mentioned that he had not for two days ſhut his eyes, and requeſted that he might be allowed ſome place for a little repoſe. Immediately

ately aroſe the ſhouts of death. The judges ſpoke of committing him priſoner to the Abbaye. He conſented. Mr. Bailly again harangues the people. He tells them that the priſoner cannot be convicted but by new facts; and that the utmoſt which could be done was to impriſon him for trial. This was moſt glaring injuſtice and oppreſſion; and for which Mr. Bailly in a free government muſt have anſwered, in legal judgment, by his perſon and fortune. When he had done ſpeaking, the people replied to him with their yells. The priſoner was led out. Thouſands preſs around him, and in a moment he is dead. One of his murderers thruſt in his hand, and tore out his palpitating heart. It was a civic ſoldier. This heart ſtill warm and beating, was carried to the tribunal and preſented to his judges. It was then fixed on the point of a dagger; while the body was dragged and daſhed to pieces on the pavement, pierced through and through with pikes. At laſt, in a tavern, his fleſh and heart, minced into morſels, was ſteeped in their wine, and greedily devoured. This happened in the *rue Saint-Honoré*. The hiſtorian bids all tyrants and miniſters tremble at this dreadful puniſhment; and he deſires the citizens to be comforted as by theſe means the rights of men would ſoon be eſtabliſhed among them. He does ſay this; and he ſays more. God! how can I read it!

A nation where ſuch things could be publiſhed and not condemned were no longer human beings. Naturally we inquire, how came they to record their own crimes, and by a hand of authority. The anſwer, and the only anſwer, is what I have juſt ſaid.

Thus was the whole French people made familiar, from the very outſet, with the moſt ſhocking.—— There is no name. Every thing went from this moment in this train. Avignon and the Comtat! What a ſcene of blood was there! The fifth and ſixth of October! Mankind ought to be informed of theſe dreadful things in all their detail and enormity. I do not mention it to excite pity or indignation. Theſe cannot be its conſequences. Loathing and diſguſt; or the convulſive laugh that dries up the ſource of tears and forbids the fluſh of indignation, can be the only conſequence. But the women monſters (it is in recorded evidence which democracy dare not deny) who went from Paris to Verſailles on thoſe miſerable days, ſwore to each other, *to tear out the Queen's heart and make National cockades of her bowels!*

I HERE ſay no more. I have not finiſhed; ſcarcely have I begun; but I here break off my diſcourſe with you, Gentlemen, on the affairs of France. Surely they afford an awful leſſon! I intended next to have ſhewn you your errors, by comparing your preſent conduct and principles with

with the conduct and principles of the great Whig party in this reign.

In the plan adopted by a certain claſs of men in this kingdom to govern by a court faction, wholly independent of the people, it became the neceſſary policy of the court to ſeparate the Houſe of Commons and the people from each other. The diſcontents and faction which diſgraced the times, were propitious in a high degree to this fatal purpoſe. Real lovers of liberty, who did not comprehend the extent of court policy, were without much difficulty prevailed upon to counteract popular diſturbance by ſenatorial exertion. They did not perceive that the Houſe of Commons, if once led into the train of aſſuming any thing like the character of executive magiſtracy (as the Aſſembly of France has done in our days) from that moment deſtroyed its diſtinctively peculiar popular origin, and by departing from its real character would loſe its real power. Thoſe, however, of this deſcription who were thus deceived were not many. But the phalanx of courtiers was ſtrong; and as the people came every day more and more to diſtruſt the Houſe,—the Houſe on its part paid leſs regard every day to the people. The influence of the crown ſprung up and flouriſhed under the protection of the repreſentatives of the nation, and ſtruck its roots deep in a ſoil which had hitherto been ſo adverſe to its growth.

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In this ſituation of affairs the duty of a citizen was to be guided according to the circumſtances in which he was placed. All truth is immutable and the ſame. Yet every ſeaſon has its own peculiar truth, which requires more particularly to be inculcated and to be defended with greater zeal. This beautiful and important maxim of morality is well expreſſed by an inſpired teacher. "Eſtabliſhed in the PRESENT TRUTH." The truth, the great truth, for which the lovers of our conſtitution had to contend in thoſe days, and during a great part of the preſent reign, was that a popular repreſentative body, a body directly originating from, and framed for the purpoſe of acting on the behalf of the people, could not with any ſafety to our free government be converted into an inſtrument of the court, and be made a part of the ſtanding force of government againſt thoſe for whoſe protection, in the firſt inſtance, it had its original eſtabliſhment. If this body aſſumed to itſelf great and undefined powers, (powers of a new and anomalous deſcription) if it employed thoſe powers under the direction of ſecret adviſers of the crown, if it wholly laid aſide its popular duties, and ſo totally forgot the nature and purpoſes of its inſtitution, as to act for purpoſes and with principles wholly the reverſe, —then the great object and firſt duty of every citizen was to recall it from this ſtate of alienation to its legitimate home, and to ſtrip it of all that adventitious authority given for the ſole end of deſtroying its native inherent and ſalutary powers.

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The policy of the Whigs, with all reverence for monarchy, ſuch as they ever have diſplayed, with all devotion and affection to the law of parliament, which they have ever held to be not the leaſt valuable part of the law of the land, with all due eſtimation of the dignity and privileges of the Houſe of Commons, which they have ever maintained with firmneſs and zeal, with all love of order and juſt ſubordination, which they have ever manifeſted,—with all theſe conſiderations, and governed by all theſe principles, yet the policy of the Whigs, which has ever been firm to reſiſt as it was wiſe to preſerve, called upon them to oppoſe this defection of the repreſentative from his conſtituent, and to promulgate and enforce the great and neceſſary truth, that a Houſe of Commons ſo moulded as to become in its own nature inimical to the cauſe of the people, was of all others the moſt odious, becauſe of all others the moſt unnatural and moſt formidable engine of courtly oppreſſion.

It would be to write the hiſtory of Britain to conſider in detail the tranſactions of this period. I ſhall give you the epitomé of what I meant to ſay.

The peace of Paris had ſcarcely reſtored external quiet to this country when a domeſtic war was commenced againſt Mr. Wilkes. As this war was of a meaner caſt ſo was it conducted by meaner agents. Its event was ſuch as it deſerved. Succeſs could not have gained glory, and it ended

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in defeat. Mr. Wilkes expelled by the Houſe of Commons was repeatedly returned to them by his conſtituents, till at laſt Colonel Luttrell, by a conſtructive election, was ſeated in his ſtead. But the defeat was the worſe for this ſeeming victory. The people canonized their martyr, and were ready almoſt to offer up (what to Engliſhmen has ever been ſo dear) even their loyalty at his ſhrine. The noſtrils of the patriot however (if ſuch ever were his wiſhes) were not regaled with this incenſe. The people ſtopped long before they reached the altar. Their zeal found another object.

Although this moſt unjuſt and ſtill more impolitic perſecution of Mr. Wilkes, was hatched in the receſſes of the interior cabinet, and carried on almoſt in a ſpirit of fanaticiſm by the court party, daring to ſtyle themſelves the King's friends, yet the Houſe of Commons, whom they alarmed for its privileges, and of whoſe dignity they held themſelves forth as the aſſertors, was the oſtenſible inſtrument of all. The people felt only its hand, and beheld only its exertions. In other reſpects too, government was not in great favour with the nation. A diſgraceful peace was ſuppoſed to have ſullied a glorious war. Scottiſh influence (there was ground for ſome complaint) was ſaid to have overtopped all Engliſh claims of ſervice. The Houſe of Commons, by very decided and great majorities, were in the intereſt of the court. The queſtion of Mr. Wilkes directly and immediately,

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and as far as the people could be ſuppoſed to ſee, was with that Houſe, and that Houſe only. It is not to be wondered that under all theſe impreſſions, the nation ſhould begin to conſider the Houſe of Commons as their enemy, and treat it accordingly. Eſpecially muſt this have happened, when the preſs teemed with libels calculated exactly for the meridian of the vulgar, and when the minds of men were ulcerated beyond all example of former times by miniſterial inflictions.

This unconſtitutional employment of the Houſe of Commons by miniſters (or, to ſpeak more properly, by the maſters of the miniſtry) which degraded it in the eyes and alienated from it the affections of the people, behoved to be reſiſted by all good men. It was reſiſted in particular by the Rockingham party. They were not, it is true, without allies; though out of their own connexion there was no *body* of ſyſtematic principle. After the ſcattering of Mr. Grenville's friends, they formed not only the governing portion (as they formerly had done) but almoſt the maſs of oppoſition, down to the month of March 1782.

In oppoſing the unconſtitutional conduct of the court, this party at the ſame time never lowered the dignity of the Houſe of Commons. They avoided with a moſt religious care the leſſening in the eyes of the public this moſt eſſential branch of the conſtitution. Nothing irreverent to its high functions ever eſcaped their lips. But the mean

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functions to which it had been degraded, were held up to merited contempt and indignation. Above all the reſt, the plan of turning the Houſe of Commons into a ſort of office of execution, and of making it in the firſt inſtance a controul *againſt* the people, a new court of ſtar chambers, where popular exceſſes were to be brought to trial, out of all the courſe of the law of the land, and uſurping the juriſdiction of the ſettled tribunals, was deprecated by the Whigs as overturning the conſtitution of a free and mixed monarchy. Yet while they reſiſted theſe dangerous and ruinous innovations upon all the principles of the ſtate, they held out the real functions of a Britiſh Houſe of Commons, as the moſt dignified that could be intruſted to or exerciſed by any body of men, and abated in no one inſtance a ſingle atom of its rights.

But while the Whigs of England acted this reſolute yet ſober part, it was not ſo with every other portion of the community. Much leſs, it is true, of the ſpawn of general thinking had ever been brought to market in this country, than had been long and very extenſively vended in France. Our people had always been fed with more ſubſtantial food. However in times of famine, the appetites of men are leſs nice. When the harveſt of the conſtitution was borne away by the courtly ſpoilers; when even the popular hands of a Houſe of Commons ceaſed to diſtribute to them that bread of life, which had nouriſhed them ſo long, and filled

led their veins with the blood of real freedom, it was a circumſtance of no ſurpriſe, though of much lamentation, that the people ſhould fall with greedineſs upon the wreck and garbage caſt upon their ſhores from the coaſt of France. It was indeed a melancholy truth. About this period for the firſt time (at leaſt in any degree worthy of notice) the general theories of liberty began to be held forward; the defects of our conſtitution to be collated with theſe crude principles; our want of ſufficient freedom (not in fact or feeling but) in the very plan and eſſence of our government to be loudly exclaimed againſt; and the general cry of "overturn, overturn," to reſound through the nation.

In the midſt of this indirect government by the court party and the abuſe of its functions by the Houſe of Commons on the one hand, the licentiouſneſs of the people on the other, and proceeding from both, the ſpreading of the new doctrines againſt the authority of that Houſe and the whole frame of our conſtitution, the coercive regulations regarding America carried matters to the length of war. A greater ſeries of affairs now preſents itſelf.

By the Whigs, the meaſures which led to the American war, and the conduct held during its continuance, were reprobated as totally alien from the conſtitutional principles of our monarchy. *They* entered into no metaphyſical diſcuſſion of rights. One great right they did indeed maintain

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(the only right worth the contending for) that no individual had from nature any title to oppreſs another individual, nor any people upon any pretence (and perhaps in a ſtronger degree ſtill, the policy being ſuperadded to the right,) to oppreſs another people. This ground of ſtrength they certainly ſeized; and maintained it (as is it ſhould be maintained) with vigour. But this firm foundation of natural juſtice excepted, no trace of their footſteps could be perceived on any other ground in this circle. The unhallowed threſhold of French rights their feet never trod. But the pupils of the French theoriſts acted a very different part. The American queſtion was treated by them, not on grounds of national policy or moral leſſons of humanity, but on abſtract principles of natural right; and as theſe principles were of very univerſal application, after having ſerved in America, they were recalled to do duty at home. The nation had been introduced to their acquaintance indeed, before the great breaking out of the American troubles. A book called "Political Diſquiſitions" (whoſe fame has been lately revived) had expoſed the nakedneſs of the conſtitution, and demonſtrated the neceſſity of furniſhing it with a new dreſs from the ſhop of the political ſpeculators. Though this gentleman's advertiſements were very ſhewy, and though he both recommended his goods and ſhewed how needful was the purchaſe in very popular terms, few however had paid

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any great attention to them. The minds of the people were not yet ripe for the projected changes. But the American war became a hot-houſe for ſuch principles; and they matured and bloſſomed apace. Dr. Price, in his Principles of Civil Liberty, made up a noſegay of theſe wild foreign flowers, which he inſiſted upon applying to the noſe of every paſſer by: or rather (for this is not ſufficient juſtice to his induſtry and abilities) he extracted their choiceſt ſweets by a metaphyſical proceſs, and made a preſent of this refined eſſence of freedom and wiſdom to our enſlaved and wittol nation. I cannot poſitively ſay, having at that time no capacity of obſervation (if peradventure I have any ſuch even at this hour) whether Dr. Price's pamphlet was a more popular performance than Mr. Burgh's Political Diſquiſitions. However I ſhould imagine that it was. The pamphlet was not much above half a hundred pages; ſo far as I recollect. The Diſquiſitions, if I am not miſtaken, are four ſizeable octavo volumes. The pamphlet had a determinate object, and regarded a queſtion which agitated the minds and intereſted the paſſions of all men. The juſtice and expediency of the American war, was the central point round which all the Doctor's reaſonings revolved. The Diſquiſitions had no ſpecific object, and related to ſubjects which, though of great importance, were too general in their nature to create of themſelves, without the preſſure of immediate evil

or the hope of immediate enjoyment, any very particular intereſt. Beſides the heat of the times was more favourable to the growth of the pamphlet's reputation, while the volumes had met with a colder ſoil and a leſs genial climate. What could be done for them however was done. The Diſquiſitions were quoted by the pamphlet with great honour, and ſhone at leaſt with reflected luſtre.

This publication of Dr. Price, was not the only one from this ſchool during the period referred to. Yet read as they were, and I ſuppoſe, much read, their effects were by no means in proportion. Of the good ſenſe and ſteady underſtanding (generally taken and where their conſciences are not ſurpriſed) of the people in this nation, no man thinks more reſpectfully than I do. Yet I cannot take upon me to ſay that theſe were the cauſes of the ſpread of the doctrines taught by the Anglo-Gallican ſchool, being much inferior to the zeal of the teachers. The cauſe was not ſo honourable for this people. The luſt of American dominion had taken poſſeſſion of the public mind, and the viſions of external taxation which was to leſſen their own burdens were conſtantly before their eyes. Theſe ſplendid illuſions of revenue, arrayed in the moſt fanciful hues, and glittering in almoſt faery brilliancy, dazzled and deluded the nation. Nor was it till the ſeaſon of adverſity and alarm that they began to diſſipate before our view, while the ſun of our glory, in whoſe beams theſe gaudy motes had been

been engendered, ſeemed rapidly declining to the weſt. In ſuch diſpoſitions of mind as were then prevalent in this kingdom, doctrines of general liberty which went to juſtify American reſiſtance, were likely to be rejected without much examination. They were condemned from the company they kept. How indeed could thoſe principles which *juſtified* rebellion, meet with any reception in mens' minds who rejected as ſeditious the reaſonings built, without any other juſtification of the reſiſtance at all, upon the antient policy of the empire!

The effect of theſe doctrines, accordingly, was neither general nor immediate. A party was, however, formed and knit together upon theſe principles; neither very extenſive in the beginning nor very powerful, yet bound in the cloſeſt union. The confederacy of republicaniſm was formed, (the unnatural birth of the court cabal) and it waited for circumſtances to ſtrengthen its power and extend its dominion.

The confederacy ſoon perceived that its moſt dangerous enemy was the Whig intereſt. Opportunities were ſeized and ſought for to expoſe the narrowneſs of their politics, and to reproach the contracted ſpirit of their conduct. Their oppoſition to the American ſyſtem was however praiſed, though it was lamented that wiſer and more enlightened principles did not form the baſis of this oppoſition. In the mean time, and notwithſtand-

ing theſe praiſes, the evils of ariſtocracy were held ſtrongly forth; and ſuch a government as had taken place under the two firſt monarchs of the Brunſwick line, happy and glorious, and (for the moſt part) peaceful, as the nation had been under this government, was painted as ſomething worſe than deſpotiſm. In this article (though with very different purpoſes) their creed met word for word, and idea with idea, in coincidence with the creed of the court faction. In this reſpect they exhibited ſomething like virtue. The court cabal, by the diſturbances they excited at home and abroad, had created thoſe diſſenſions which firſt hatched and matured the ſpirit of republicaniſm. This republicaniſm was truly that cabal's unnatural offſpring. It adopted its parent's enmities, at leaſt in part; and Whiggiſm had to ſupport a double combat.

While any hopes of ſucceſs remained in the American conteſt, the nation ſtill continued to cheriſh its deluſion. I do not exculpate the miniſtry of that period; but it is bare juſtice to ſay that the miniſtry of that period (I talk not of the dominant intereſt of the interior cabinet) were comparatively little to blame. Eſpecially Lord Guildford, to whom enemies and friends have been equally unjuſt (were not friendſhip turned into enmity the worſt of all injuſtice) deſerves leſs to be reproached than any other member of that adminiſtration. It was in every ſenſe the war of the people in its progreſs; though its origin might be found

found, and was to be ſought, elſewhere. Out of doors it was called for, and ſupported by every body. In the Houſe of Commons, they were the repreſentatives of great trading cities, and of populous and reſpectable counties, who ſupported it; and by the moſt active and deciſive majorities. Unleſs among the Whig connexion, no oppoſers almoſt could be found. With the tide of affairs, however, the minds of the people turned too. Diſaſter opened their eyes, and they looked with horror upon the waſte which their miſguided paſſions had cauſed. It is not, however, in the nature of great bodies to blame themſelves. Much leſs can this be expected of the people, Errors, and thoſe great errors they eaſily perceived had been committed, and (as will always be the caſe) they laid them all to the charge of their rulers. It was now the time for the confederacy to act. Their general doctrines now came into play with admirable effect. All theſe general doctrines went to increaſe the power of the people; and of thoſe who meant to increaſe their power, it could not be ſuppoſed that the people ſhould queſtion the wiſdom. In theſe doctrines the people found great conſolation for paſt failures, and much proſpect of future enjoyment. Things would not have happened as they had done, if they had poſſeſſed their proper ſhare of power. Such diſaſters could never again happen, when they ſhould poſſeſs it. From a ſmall iſolated party the confede-

racy grew into fuller expanſion; and, in a greater or a leſs degree, the leaven of change began to ferment in every portion of the kingdom.

In the mean time the Whigs purſued their antient policy. They were not (as they never had been) averſe to all change. Some of them carried their ideas of reformation to a greater length than others; but all took neceſſity and policy for their guide, and all made order and ſtable government their limit. The older members of the Rockingham party were the moſt reſerved in their notions of reform and change. The whole party united in one grand principle. The American war and all its evils had ſprung from the abandonment of the power of controul, lodged in the Houſe of Commons againſt miniſters or the court; and from rational confidence being turned into criminal ſubſerviency. Their efforts were accordingly directed to the reſtoration of the juſt independence of that Houſe. One of the greateſt meaſures for this end, and ſupported by the whole ſtrength of the party, was Mr. Burke's bill of *œconomical reformation*. By this and by other meaſures, the Houſe of Commons was at length reſtored to its due rank in the conſtitution; united in the ſame intereſt with its conſtituents, and again placed, inſtead of an appanage to the court, as a ſupport (in its antient order) to the throne.

This rational and conſtitutional reformation had its effect upon the country. The wild ſpirit raiſ-

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ed by the republican confederacy greatly ſubſided; and indeed was almoſt done away. When in ſpring 1782, the Marquis of Rockingham came into power, he carried along with him the hearts of the nation. The reformations I have mentioned proceeded under his auſpices, and a new day was faſt breaking in upon the gloom that had ſo long overſpread the country. To the irreparable loſs of this nation, that truly great man was ſnatched away almoſt in the beginning of his carreer. The ſtate was left to the guardianſhip of the Marquis of Lanſdowne and Mr. Pitt.

Their term was alſo ſhort; and the coalition miniſtry ſucceeded them. During this period, the Whig connexion completed their fabric of an independent parliament. Other reformations in the ſtate might be deſired, (and ſome of them did deſire ſuch) but they were of a nature to require deliberation, and ſuch as circumſtances, in the gradual operation of things, would effect more eaſily and happily, than any direct efforts. The conſtitution, therefore, being renovated at home and reſtored to its original principles, that adminiſtration turned their views to an object of great importance; the circumſtances of which called for immediate interpoſition, and which had been under the conſideration of parliament, and by recommendations from the throne, for ſeveral years. This was the reformation of the Eaſt India Company, and the arrangement of their concerns both in the manage-

ment at home and in the territorial poſſeſſions abroad.

This bill (as every body knows) was thrown out in the Houſe of Lords; the Whig party were obliged to retire from adminiſtration; they were ſupported by the Houſe of Commons againſt the miniſters choſen by his Majeſty; the parliament was for this reaſon diſſolved; and the new Houſe of Commons, with the people at their heels, became the firm ſupporters of the new miniſtry; who qualified the diſſolution of the former Houſe by the name of an APPEAL TO THE PEOPLE.

This was the moſt mortal ſtroke our conſtitution had ever received; among the many that have been aimed at it. The queſtion between the Houſe of Commons and the miniſters was nothing other or leſs, than whether the crown guiding the momentary inclinations of the people, or guided by them, (as the caſe might happen) ſhould be the only power in the ſtate. In other words, the queſtion was whether we were to have a mixed monarchy, or a ſort of *undefined republic* with a chief of popular election, which, by the non-exerciſe of this right, might become a *defined tyranny;* a tyranny in terms as it was in reality. A King who appeals to the people at large as his judge, will either be an abſolute prince or a permiſſive firſt magiſtrate. He will either be a Sultan or a Doge;—that is in the nature of his power, for it may be different in the character of his perſon. That people, in the ſame manner, who have no controul over the executive

ecutive power unleſs in their own immediate perſons, will either be a tyrannous anarchy or a ſlaviſh herd. They will bow under the ſceptre or break it. The thing never was, and it cannot be otherwiſe.

The confederacy of republicans ſaw the diſmiſſion of the Duke of Portland's adminiſtration with much gladneſs of heart. The principles of that adminiſtration could not be agreeable to them; and they looked with an evil eye upon many of its meaſures. In the conteſt ariſing between the Houſe of Commons and the new miniſters, they beheld the greateſt opportunity yet preſented to them of diſſeminating, perhaps finally eſtabliſhing, their doctrines. The people, under the idea of fighting for themſelves, were no doubt made the ſoldiers of the miniſtry. For the confederacy, however, it was enough that there ſhould be a battle. The people once brought forward, would not, they imagined, ſoon retire; nor would their ſpirit thus raiſed be again eaſily laid. They beheld alſo in near proſpect the deſtruction of the independence of the Houſe of Commons; a much greater barrier againſt their enterpriſes, than any *power of the crown* in connexion with the *mere will of the people*. The diſſolution of parliament was celebrated, accordingly, as the greateſt of victories. And it certainly added not a little to their joy, that the leader of the new miniſters was (as they thought) of their own ſect, or at leaſt approached

much nearer to them in all the principles he had hitherto diſplayed, than any other powerful individual in the kingdom; while his honour ſtood pledged for great innovations in the conſtitution of the ſtate, and his intimacy with their moſt active agents was notorious.

This period of the hiſtory of Britain ought never to be forgotten. No conſiderations ſhall ever prevent me from declaring concerning it what I truly think. It is a high, a noble, and a neceſſary duty. It will no doubt appear ſtrange to poſterity, (it is ſtrange enough even at this preſent hour, when we know the circumſtances and cauſes more completely) that the court faction ſhould have made a common cauſe with the people at large, and ſhould have choſen their inſtrument from among the popular favourites of the day. He was highly fitted for what they deſigned; but he was fitted for much more than they deſigned. He might be an inſtrument; but his mind was of a maſter. Every thing original and acquired, natural and adventitious, was for him.

> " Hinc ſtudia accendit patriæ virtutis imago,
> " Hinc fama in populi jurati dicta verba,
> " Hinc virides auſis anni, fervorque decorus,
> " Atque armata dolis mens, et vis infita fandi."

The court faction ſaw what they wanted; and ſaw no more. But it was—*non equitem dorſo*—and he is there ſtill. It was yet the ſame policy that guided in the preſent caſe as in the former periods of their

their conduct. The annihilation of the controul of the Houſe of Commons was the grand object in all their ſchemes. While their policy, however, had the ſame end, it was a much more dangerous operation than any former courſe had been. Had the people of this country in any way reſembled the people now in France, and had not Mr. Pitt at the firſt bound vaulted into the very higheſt ſeat of ambition, the power and the name of monarchy might have been ſwept out of the country. There were ſpirits in the kingdom ſufficiently bold to undertake it. The great maſs of opinion was ſet into dangerous motion; and nothing but that ſobriety of character, which has always been conſpicuous even amidſt the wildeſt riſings of this people, and that ſteady ſenſe which has more or leſs ſhone through their moſt fooliſh conduct, joined with the feelings of eaſe and ſecurity proceeding from the happy nature of our conſtitution, and which no wickedneſs has at any time been ever able wholly to deſtroy, could have protected us againſt ſome miſerable philoſophic revolution. The Court faction ſprung a mine which (though for the time it deſtroyed only their enemies) might have blown up both themſelves and the nation and the throne. If the ground on which the throne now ſtands be leſs firm than it was formerly, if ſhakings and tremblings foreboding greater convulſions, alarm the friends of our monarchy, if a more daring ſpirit has gone abroad than had ever walked the king-

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dom ſince the revolution, or indeed (in point of mere opinion) ever before it, this is the work of the deluſion and tumult in the year 1784. It is not to blame men that I ſpeak. Far be this from me. Farther ſtill be from me the fear of man; which is a ſnare; and the forgetfulneſs of duty.

It was againſt theſe principles and proceedings ſubverſive of our free monarchy, that Mr. Burke's "repreſentation to his majeſty" was directed; and it is recorded againſt them as a monument for ever. In it alſo is recorded our conſtitution. The knowledge of our conſtitution is there; and there is the love of it.

Here I muſt ſtop in this matter alſo. The reſt muſt be hiſtorical detail to be any thing; and I cannot now give hiſtorical detail. Much alſo ſhould be given of what was earlier done; and of which I have here ſet down ſomething.

It was now the new policy began. In the former period, the attempts were to overturn the frame of the ſtate, by holding up the Houſe of Commons as every thing, and the people as nothing; and this was done by ſeparating and diſuniting them. Now, the attempts were to overturn the frame of the ſtate, by making the Houſe of Commons merely and immediately dependent on the people, and amenable to the people through the medium of the crown; and this was done by ſeparating and diſuniting them. The principles and conduct of the Whigs had ever been, to conſider

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the repreſentatives of the people and the people at large as united in the ſame intereſts, and having one common cauſe. Attempts to diſunite them, and to play them off againſt one another as adverſe parties, could end in nothing but the ruin of the conſtitution and the eſtabliſhment of unbounded power in thoſe who held the *balance*; whether theſe perſons ſhould be ſecret adviſers of the crown, or enemies in another form to the exiſtence of our monarchy.

The duty of the Whigs was therefore clear upon all the old principles; and their conduct correſponded with theſe principles. They were the faſt friends of the people and the crown. They had ſtood up formerly for the people's rights. They now withſtood the wild conjunction of popular fury and court intrigue. In both periods they treated with reverence the rights of the throne. Throughout they were conſiſtent, manly, and wiſe. The part taken by Mr. Burke and Mr. Fox in the year 1784, was in the true ſpirit of this free monarchy, and according to the beſt examples of the beſt men who had flouriſhed as Whigs in the beſt times of this great nation.

Beſides the celebrated times of 1784, another memorable occaſion exiſted for diſplaying principles. This was the caſe of the regency. On this matter I ſhall not here enter at all. Still the body of Whigs was compact and firm; and they were here, as in all former caſes, on the ſide of the monarchy-

narchy. High parliamentary claims (after ſo much had been done to deſtroy parliamentary independence) were again brought forward on this great queſtion. It was thought they might be made with ſafety.

It was not long after this, when the revolution begun in France attracted the attention of our people, and was ſoon held out by too many among us as an example to ourſelves. The republican confederacy, through many events and from many cauſes, had found their deſigns not much nearer completion, after all even that had been effected in the year 1784. They had been abandoned by him in whom they had chiefly placed their hopes. He has ſince done ſervices to this kingdom, which muſt render him much more an object of hatred to them, than even his original deſertion. So far as our principles are not debauched, and keeping them firm and ſteady, he ſhould therefore now be judged by us from what is good and not from what was evil. To act otherwiſe, in the preſent circumſtances, in judging of Mr. Pitt, would be injuſtice as againſt him, and criminal as againſt the nation.

THE *laſt* ſubject of my diſcourſe with you, Gentlemen, was to have been on the new theories of change, as maintained in ſet propoſitions by ſome among yourſelves, and as conveyed in your own general declarations. It is impoſſible (you perceive) for me to do this now as it ſhould be done. In what

what I am to ſay, I ſhall, firſt of all and moſt of all, in vindicating your conduct in the year 1784, condemn the conduct and principles you now hold. This was to have been my tranſition (a very natural one) from the one part of my ſubject to the other. It will now be nearly all I ſhall ſay on the other part.

I ſhall firſt vindicate you againſt your enemies, before condemning you by yourſelves. The Whigs have been accuſed of creating an ariſtocracy to overthrow the power of the crown. I ſhall ſpeak of the crown before ſpeaking of the people; although it is impoſſible to ſpeak of the one without alſo ſpeaking of the other.

The crown never received a more ſevere ſhock than in the year 1784. The ſyſtem purſued by the oppoſers of the Whigs eſtabliſhed the principle, that in the ordinary adminiſtration of government, the crown was bound to adviſe with the body of the people, and to receive their advice as the ſovereign counſel of the ſtate. It has nothing ado with the miſchievous energy of this principle; that the people happened in this caſe to adviſe what the crown wiſhed to follow. It is the acknowledgement of this power reſiding in the people as an ordinary inſtrument of government. This is the evil.

It is this doctrine ſubverſive of monarchy which they were lately eſtabliſhing in France. The doctrine of the "Rights of Men," as taught in their

ſchools, is the very ſame with that proclaimed at this period in England. According to theſe ſchools the *will* of the people is the ſovereign law; and wherever they chuſe to declare that will, it becomes the conſtitutional rule of right till in their wiſdom they chuſe to alter it. If a King has no dependence but this;—he is a miſerable pageant indeed.

Our conſtitution had planned matters more wiſely. The people were conſidered in it as no part of the government at all. Their will originally formed the government; and it was our ſingular felicity that this will had been exerted in conformity to the beſt rules of right. Their will may finally deſtroy this government; and it will then be our grievous calamity that it has been exerted in oppoſition to all right reaſon. The people's will and the people's power are certainly paramount in force and efficacy to all other power and will whatſoever. In their firſt beginnings they may be ſtyled rebellion; in their latter end they become government. The founders of our conſtitution knew this well. They wiſhed not that governments ſhould beget rebellions, and rebellions hatch governments. The general will of the people was, therefore, depoſited in certain bodies; in truſt and on behalf of the people, it is true, but leaving to them no direct or ordinary ſhare in the government whatever; for this would have defeated the very purpoſes of the truſt, and prevented

prevented the exiſtence of any fixed conſtitution. This truſt (like all other truſts) is no doubt, in certain circumſtances, revocable. But Kings will judge unwiſely indeed for themſelves and their power, if they call in the people on this ground, for their umpires between them and the other component parts of government. The people will judge equally unwiſely if they allow themſelves to be thus called in;—but of this afterwards. If Kings in the ordinary courſe of adminiſtration appeal from the other conſtituent portions of the government to the people, theſe other portions have an equal title to appeal from Kings to the people too. What is here! The conſtitution is at an end. We are again in a ſtate of nature. The crown is not worth the wearing. It is held by popular election, upon this principle; and by popular election only. The doctrines of the conſtitutional and revolution ſocieties are the expreſs doctrines of the court faction. The crown has no prerogatives. If it exerciſe any one contrary to the will of the Houſe of Commons, that Houſe (if the general will of the people forms a part of the conſtitution) may appeal to the people as a conſtitutional remedy againſt ſuch exerciſe. If the people declare for the Houſe, the prerogative ceaſes. It recalls the truſt abuſed. His majeſty holds his crown not by the law of the land, but at the will of the people. He is not their active ſovereign, but their permiſſive inſtrument. He is that wretch-

ed thing in the new nomenclature of Europe, which men ſtyled King of the French.

I am not going to loſe myſelf in any theory. I know (and I reſpect it as a moſt ſalutary part of our conſtitution) that the King has a right by the conſtitution to diſſolve parliament, and that parliament has no power to dethrone the King. But the King's power of diſſolution is a mere name, if this nefarious principle be admitted; and parliament by means of it may acquire the real power of dethronement. I repeat it again; that if the general will of the people be an ordinary conſtitutional power, it may, nay, it ought to be, reſorted to as a conſtitutional remedy. The crown may be ſtripped of every prerogative by degrees; as it may loſe them all at once. This will depend upon the people. Should they waver after matters have been ſet on foot, then the ringleaders againſt the King will be hanged as rebels to the *crown*. Should they continue firm, the King will be hanged as a rebel to the *nation*. This kingdom will be bleſſed with national aſſemblies and national guards, and armed municipalities and ſovereign clubs. All this is in the principle. I defy any man to controvert it; if the general will of the people be any part of our conſtitution. It all exiſts there; all this evil, this dreadful evil. The King is nothing. And theſe are not the times in which evil principles are ſluggiſh to produce evil actions.

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But dull men will come in upon me here. Does not our conſtitution acknowledge the voice of the people! Yes it does; ſurely it does; it is its pride and glory. Accurſed be that form of government (if government it can be called) in which the voice of the people is not heard and liſtened to! The happineſs of the governed is the only end of government. To ſuppoſe it to exiſt for itſelf, would be the greateſt wickedneſs, were it not a greater abſurdity. It is even revocable in itſelf, as it is revocable in all its derivations. The India bill of Mr. Fox had for its object a temporary recal of one of thoſe derivative truſts, groſsly abuſed. The people exclaimed that this recal was tyranny; and to ſhew their wiſdom and conſiſtency, they joined in recalling a much higher truſt, exerciſed moſt rightfully, and greatly to their advantage; and this they ſtyled freedom. However, it matters not here what they did. The general principle is eſſential to all good government,—that it is a TRUST; although a truſt of the moſt ſacred and higheſt nature, upon which it is impiety to touch without the ſtrongeſt and moſt compulſive reaſons. That the voice of the people ſhould be heard and reſpected, is a neceſſary conſequence. Who ſo intereſted as they in the good adminiſtration of government? What ſo neceſſary as that their wiſhes ſhould be known, in order that government may in its wiſdom ſhape its meaſures according to their neceſſities? What more neceſſary even than that

government, through all its portions ſhould be united with the people in affection; ſhould be ſuperior to them with a ſort of reverence and awe? Theſe are the habits of a good government; and they are habits which never will exiſt but with a good conſtitution. But a good conſtitution is that (I ſpeak of the eſſence not the modifications) in which the people neither have nor can claim any ſort of direct and ordinary power; in which their interference, when it is neceſſary as an active power of the ſtate, is for the time a ſubverſion of government. This is the height of political liberty; its very ſummit. In no conſtitution did this ever exiſt ſo completly as in that of England. For this very reaſon, *it* was the beſt. The complete annihilation of the will of the people as an ordinary organ of government, was the great and ſolid ſecurity of the people's freedom. This beautiful ſyſtem, partly the offspring of fortunate ſituation, partly the fruit of wiſdom and ſcience, received (as far as its divine nature could be wounded) a moſt deadly ſtroke in the year 1784.—I truſt that I have anſwered the objection.

Yet, perhaps, I will not be thus let go. Theſe ſame men (or cunning men who are as bad as dull men) will have at me again. They will tell me (what was then ſounded with a trumpet through the land), that the crown was in danger at that time from an ariſtocratical combination; and that the people were then called out, like the militia upon

upon a threatened invaſion, to defend and reſcue the monarchy. If the gentlemen are there;—I am with them. There is no ground upon which I ſhould wiſh to meet them ſo much.

They will then be pleaſed to take notice (as a preliminary to the combat), that, unleſs they refute what I have before ſaid, (which neither they nor any man can do) with regard to the nothingneſs of the crown, if it hold immediately of the people as its direct paramount Lord, that then the evil which the crown ſought to ſhun, was an evil not near ſo dangerous as the remedy to which it reſorted; great as that evil might be. The remedy was (to a certainty) a ſurrender of the conſtitution into the hands of the people, and an abandonment of the rights of the throne,—a moſt eſſential part of that conſtitution. Are they prepared to prove that the paſſing of the India bill (on their own notions of that nobleſt act of human legiſlation) was an evil any thing like this? Are they prepared to prove, that the King's having a miniſtry (if ſuch was the caſe) not ſo agreeable to him as another, was a reaſon for incurring this great jeopardy? Are they prepared, in point of fact, to tell me or the world, that the miniſtry which ſucceeded was, taken in all its parts, a miniſtry agreeable to the King? Even upon theſe perſonal points they can ſay nothing concluſive; and their cauſe would be loſt even upon their own ſhallow and contemptible grounds.

But leaving theſe things, it is a matter of great conſequence to this nation, to inquire whether what the Court faction and the democratic clubs call an *ariſtocracy* be in any way dangerous to the throne; or whether it be not the throne's great ſupport and firmeſt ſtay.

Let us conſider the matter in theory. The body of the people are, in every country, more or leſs prone to change. Thanks to the good providence of God, they are leſs ſo in this land than, perhaps, any where in the world; but ſtill the body of the people is a changeable ſubject. That throne would be no ſecure ſeat which was bottomed upon the mere inclinations of the multitude. Conſider the way in which republics in all ages have treated their great men; worſhiping them at one time as Deities, and ſpurning them at another with the utmoſt contempt. The ſame thing happens to Kings in deſpotic monarchies, where rebellions and aſſaſſinations are in the common order of events. I mean not (far be it from me) to degrade republics to the level of theſe abominable tyrannies. But the truth muſt be told;—they have this mark in common. Among the other ſingular advantages of our conſtitution, it was none of the leaſt, that an intermediate order of men (I do not mean nobility nor any privileged corporations or ranks) grew out of the conſtitution, deriving their influence from property or popularity, and who (as our conſtitution is in part republican) became

became preciſely to the people at large what the great men were to the republican ſtates. Theſe men were naturally the candidates for, or the poſſeſſors of the places in power; or, if they did not aim at theſe (as many of them did not), they ſupported with their weight and intereſt thoſe particular public men of whom they had the beſt eſteem, and wiſhed moſt to court the connexion. Theſe men were naturally expoſed to all the variations of public opinion in the body of the people, to which the great men in republics were obnoxious. According to the tide of popular favour, they acquired or loſt their power. In the mean time the throne remained unſhaken: The popular tempeſt never approached it; its fury was ſpent at a diſtance from the throne, which remained ſecure even in the midſt of the whirlwind. This intermediate order is what in England has been called (I do not talk of the jargon of France, which they do not underſtand themſelves) an *ariſtocracy*.

I am not very fond of the name; nor do I think it a quite juſt deſcription;—at leaſt according to the uſe of the word in modern times. But ſuch a body will not be denied, in theory, to be a *ſecurity* to the throne. It remains to be ſeen whether the crown be liable to pay too high a price (though too high could ſcarcely be paid) for this ſecurity.

Now, he will be a very able man who can make this out. In a free ſtate, abilities, and birth, and riches, will always lead to pre-eminence. It is the intereſt of the Prince to ſelect his counſellors from among men of this deſcription. It is in this way that he will ſerve himſelf beſt; it is in this way that the ſtate will be beſt ſerved. Should a number of theſe men be united together upon a ſtock of common principles;—this can form no objection to them. It is a circumſtance greatly in their favour. Their operations will be uniform and conſiſtent. They will bear with efficacy upon their ſeveral objects, and knit together the intereſts of the empire. This union of public principle will be the cement of the ſtate. It will be the ornament and ſtrength of the throne. A ſteady well conducted adminiſtration infallibly ſtrengthens the power of the monarch. A people in any degree loyal, ſee the monarch's glory in their own happineſs. It is to him that above all they refer it. He is the firſt and the laſt in their view. The popularity of miniſters is his own popularity. Their power is his power. And if any real cauſe of uneaſineſs, ſuch as could in any meaſure brook a public diſplay, ſhould influence the monarch to change them, he would ſoon experience that their names faded away before his; and unleſs their ſucceſſors were ill choſen indeed, they would find little difficulty in juſtifying to the nation whatever

change

change the King ſhould think proper to make in his counſels.

But if the monarch, inſtead of ſuch a choice among ſuch men, ſhould ſelect his ſervants from mere perſonal favour,—the whole order of the commonwealth would be changed, and his own perſonal ſtate expoſed to imminent hazard. In the firſt view, ſuch a ſelection of miniſters is incompatible with the exiſtence of a free government. Perſonal favourites raiſed by the mere will of the Prince, without any other conſiderations, to offices of ſtate, is the diſtinctive characteriſtic of a deſpotiſm. In a free monarchy, to do this, is both to endanger and enſlave the throne. It endangers it by irritatiug all the orders and ranks in the kingdom; the ſuperior ſort, by defrauding them of thoſe opportunities of honourable ambition to which they think themſelves entitled; the inferior claſſes, by ſetting over them as rulers, perſons with whom they have no natural intereſt or connexion. Not to mention that it is in the nature of favourites always to abuſe their power. It enſlaves the throne by tying down the monarch to a real, confined, and narrow ariſtocracy; whom he dare not change, becauſe he is told, that if they are once diſmiſſed, he is delivered up to his enemies. They make themſelves neceſſary by awakening his fears; and when once made neceſſary, they are of courſe his maſters. They are, in truth, the janiſſaries of the throne; only that they do not always ſerve it

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ſo well in times of danger. Never in a free ſtate, did a truly public miniſter, raiſed to power upon truly public grounds, overſhadow the glory of his ſovereign. It has been eclipſed by favourites a thouſand times. Such men can have no affection but to their own power; and they trample upon the ſtate, in the name of their maſter.

The power of Kings is, therefore, exceedingly inſecure, when built upon a ſyſtem of favouritiſm. It is equally endangered, if every ſuppliant of the mob be raiſed to truſt and office by their immediate influence. Theſe favourites, whether matured in the hotbed of a court, or growing up in the common of wild popularity, are not conſtitutional plants. They are poiſonous to the authority of the crown. It ſickens before them. The crown can only be ſecure with thoſe miniſters whom the deliberate public voice has approved, and who, though not independent of the diſpleaſure (let the motives be juſt or unjuſt) of the King and the people, yet are not called into exiſtence nor liable to be reduced into nothing by the breath of either. But this can be the caſe only of thoſe miniſters who belong to a body formed upon a ſyſtem of principles decided and clear, by which they are bound to the conſtitution and among themſelves; and a body whoſe power in the country is founded upon their natural original influence, or acquired public conſideration. From ſuch a body the crown can experience no diminu-

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tion of its juſt rights. It will not find tools in them, it is true; but neither will it find maſters. And it certainly will not be ſaid by any lover of free monarchy, that it is any improper ſacrifice on the part of the crown, that its will ſhould not be abſolute. We are ſpeaking here of the crown of Britain, not of the diadem of Perſia. And it will be remembered that this laſt, and all thoſe like it, have ever been ſo inſecure as ſcarcely to be called the property of the wearer.

The argument may be reduced to a point. Miniſters made out of perſonal favourites bring Kings to the neceſſity of ſupporting *them;* and the throne exiſts (ſo long as it can exiſt) only as the baſis of *their* power. Miniſters made out of popular demagogues (unleſs they turn favourites alſo, which ſometimes is the caſe) bring Kings directly and immediately under the vaſſalage of the people. What method has our conſtitution taken to prevent theſe evils? It has taken a wiſe method, in this as in all other caſes.

The conſtitutional will of the people is only known through the Houſe of Commons. That Houſe, from its popular origin and duties, is naturally fitted to remonſtrate againſt and oppoſe the abuſes of the royal prerogative, in naming miniſters from mere perſonal favour. That Houſe, from its union with the other parts of government; from its not merely depending upon, though originating out of the people; from the neceſſary deliberation

deliberation in its meaſures; from its greater gravity and conſiſtency; and from its mixed ariſtocratical and democratical compoſition; will neither ſupport nor oppoſe miniſters with the levity or the fury incident to the people at large. The public voice is there purified, and the public will enlightened. The crown, therefore, in the juſt exerciſe of its prerogative, has nothing to fear; in the abuſe of it, the remedy will never go beyond what is neceſſary to its removal. A body better fitted to give counſel, and at the ſame time moderate counſel, cannot be conceived than this houſe. A body leſs fittted to give counſel, and at the ſame time more ready to break out into dangerous extremities, cannot be conceived than the body of the people at large. Does that monarch judge wiſely for his prerogative, who appeals upon his meaſures from that body to this?

So ſtands the matter in the view of theory. Let us conſider it in the fact.

And here we are in the very ſunſhine of demonſtration This which the court faction call an ariſtocracy, has been at all times leſs or more the means of government in this country; and our liberties have flouriſhed more or leſs, and the dignity of the throne been increaſed or impaired, in the exact proportion of its influence. Many examples might be given from the early periods of our hiſtory. In later times this mode of government had made our crown the greateſt, the moſt ſplendid,

ſplendid, and the moſt ſecure in the univerſe. Our great deliverer governed in this manner. Queen Anne followed his ſteps; and the two predeceſſors of his preſent Majeſty, treading in the ſame path, ſaw new glories every day encircling their throne. If ever any monarch had a happy reign, it was his Majeſty's grandfather. Yet it was a reign, in every part guided by thoſe principles which wicked men hold out as enſlaving to ſovereigns. George the Second governed by party connexions during his whole reign. He was not enſlaved by them, but made powerful and glorious. And his name and his reign will go down to future times as the brighteſt period of renown in our monarchy.

The men in England then ſaw no democratical viſions. We did not then talk in a ſtrange ſpeech. The unhallowed language of pretended rights of man was altogether unknown. The blaſphemies uttered in our days were not then directed againſt the ſeat of royalty. There was not a man that did not reverence kings through all the borders of theſe realms. We gloried in the name of monarchy. The nation (indeed) prized its freedom. It held in high reverence the principles of the Revolution. But this freedom it judged ſtable only as linked indiſſolubly to the throne. Neither in nor out of parliament was a ſingle word of the democratic tongue ſpoken, through the whole courſe of this long and proſperous reign.

The virtues of our preſent ſovereign deſerved the ſame rewards and renown. It is not yet too late to obtain them. They are to be found in the old ſyſtem of the monarchy. *Antiquam exquirite matrem.* Our unexampled national proſperity, thus linked with honour and freedom, with public ſpirit and private virtue, will increaſe and continue. That old ſtrength which produced and produces all, will be renovated; and the reign go down in that brightneſs in which it roſe. The intermediate calamities have been mingled and compenſated with great bleſſings and glories. Theſe evils will be remembered only as having taught ſalutary leſſons; with the manly pride that they were wholly overcome; with the prudent confidence that they cannot again afflict us; they will remain the monuments of courage able to reſiſt, of wiſdom able to repair and recover. This is our true golden age. Let us ſeek no other.

Such is the theory and ſuch are the facts concerning what has been ſo falſely ſtyled an ariſtocracy in this nation. I think enough has been ſaid upon it; though the matter is large, and the field ample. At the ſame time, to the man who wiſhes chiefly to reaſon, there is no neceſſity for conſidering this ſubject at all. It muſt remain an eternal truth (the ground upon which I have originally put the queſtion), that for the crown to appeal to the people at large, as an ordinary inſtrument of government, any way recognized in the form of

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the conſtitution, is to diveſt itſelf of its rights. It will be only what the French (and in this they have choſen a very proper word) call it, *a public functionary.*

This was the caſe of the crown. Attend now, gentlemen, ſhortly to that of the people.

The rights of the people never received a more ſevere ſhock than in the year 1784. The people are only powerful (that is permanently powerful) by their power exiſting in a repreſentative body, or, where repreſentation is unknown, exiſting (though not exiſting ſo well) in ſome legalized body of ſome certain and definite deſcription, When the people at large are brought into action, it is an energy which exhauſts itſelf: *Animam in volnere ponunt.* Whether they deſtroy other powers or not,—they are ſure to deſtroy their own. They did ſo at this period in a greater degree than ever before happened in this nation.

The people of this country (as has been ſeen) were again riſing into that eſtimation which they had enjoyed during the ſoundeſt periods of our government. The afflicting diſpenſations of providence which the nation had undergone, made even the moſt careleſs attentive. Theſe calamities had operated as a proclamation to all the citizens of the realm, and they aſſembled at their poſts to do their duty. They exerciſed that right, ſecured to them by the conſtitution, of laying their grievances before the throne, or their immediate repreſenta-

tives. In truly conſtitutional language, and according to the moſt ſacred conſtitutional forms, with great humility, but with great firmneſs, they thus admoniſhed their repreſentatives of *their* duty alſo. The admonitions were not in vain: and the wiſdom and patriotiſm of the Whigs had eſtabliſhed the people's rights on their old foundations.

But in conſequence of the tranſactions of the year 1784, the people of this country ſurrendered themſelves to the will of a maſter. They diveſted themſelves of all power. The power of the people (their permanent and ſtable, which is their only real power) conſiſts (as I have ſaid) in being rarely brought into immediate action. It is their *vis inertiæ*, that preſerves the order of free government. This, in the political world, as in the natural, is not a dead and lifeleſs, but a quickening and vivifying principle. It is *placidam ſub libertate quietem*; according to the admirable expreſſion of Sidney. If the particles fly from each other with wild hoſtility; if their coheſive attraction ceaſe, their ſtrength ceaſes alſo; and their force is weakneſs. They are ſcattered to the winds of heaven. And into whatever form they may be afterwards gathered, they will regain ſtability only in proportion to their maſs, and become poſſeſſed of an effectual reſiſting power, in the exact meaſure only of their repoſe.

When the body of the people acts, the government is diſſolved. No propoſition is clearer. Go-

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vernment is a relative term, implying the governors and the governed. When the people act in a body, there can therefore be no government. They are the governors and governed at once. They command and they obey themſelves. This ſtate cannot laſt long; and its natural and common end is ſlavery. But here we are in the very region of *terms*; and they (ſuch is the political genius of the age) muſt be noticed and explained to explain the ſubject. In doing this I enter fairly into my third and laſt head; but I ſhall alſo and at the ſame time vindicate, and condemn you, Gentlemen, upon the ground where we are, by the compariſon of principles and conduct.

The *Social Contract* of Rouſſeau has been called an extravagant work. It might with much more juſtice be called a ſilly work. What wiſdom there is in it, is not new; and its folly is not greater than common folly. Even when I admired Rouſſeau; and before I read the laſt part of his Confeſſions; which has made my admiration ceaſe for ever; I yet never held his political diſcourſes in any ſort of eſtimation: leaſt of all the Social Contract. But it is a book of terms; and ſome of the terms have done great evil. Such are his terms of *ſovereignty* and *government*; the explanation or perverſion of which indeed make his whole book.

His uſe of either term (which, were it otherwiſe, would take away much of the evil) is by no means conſtant or regular. So far as they are made to ſig-

nify the ordinary *legiſlative* and *executive* powers in any ſtate; the *ſovereignty* meaning the firſt, and the *government* the laſt of theſe; it is a matter both trivial and fooliſh. Theſe things are better expreſſed by their uſual names. Otherwiſe that Pariſian was exceedingly right, who told his repreſentative, that he as repreſentative had not ſo much power as himſelf, being only *repreſentative* while he was *people*. The legiſlative power is delegated away from the people as well as the executive; and not more delegated.

In a higher ſenſe, the terms are new but not the thing; and the thing, which is itſelf moſt true and juſt, was better expreſſed formerly. The diſtinction was known in this country; and it had its conſtitutional names in the famous "free confer-" ence" at the revolution. The "ſupreme power "*real*," and the "ſupreme power *perſonal*," denoted with the revolution Whigs what the Social Contract calls ſovereignty and government. In explaining them (if they need explanation) I ſhall quote myſelf. It is becauſe I can in no other way do it ſo ſhortly; and for the purpoſe now in hand. The words are in a ſmall pamphlet, publiſhed by me without a name, at ſo early a time of life, as that period when the great queſtion of the regency was agitated; under the title of "The Queſ-" tion Solved;" and all the principles in which I hold equally at preſent. It periſhed among the lumber. "The *ſupreme power real*, as it has been

" ſtyled,

" ſtyled, that power which firſt gave being to both " King and parliament, the ultimate reſource of " government, muſt always ſubſiſt, and ever have " a *capacity* of action; for, without it, the conſti- " tution, if once violated, could never again be " reſtored. But the *ſupreme power perſonal*, when " a certain form of government is choſen by the " community, and certain perſons or bodies are " inveſted with the ſovereignty, can never be " exerciſed in any way, or to any effect, unleſs the " conſtitution be diſſolved, but by the King, Lords, " and Commons, of Great Britain. Both theſe " poſitions the revolution has eſtabliſhed to be " political axioms. That glorious event has de- " monſtrated both the *latent energy* of the people, " merely as the people, to renovate government " or to create it; and the abſolute incapacity of " any conſtitutional act being performed but in " the complete union of its different branches. " Two truths, two grand and ſublime truths—the " pillars each of Britiſh freedom." Theſe terms of ſupreme power real, and ſupreme power perſonal, thus expreſs moſt clearly, and much more aptly, than thoſe of ſovereignty and government (which as common unſcientific words muſt be uſed on ſo many common unſcientific occaſions, and frequently the one for the other) what the power of the people is abſtractedly from a conſtitution, and what the power of the people is under a conſtitu-

tion. Rouſſeau has not the merit of invention; and he has the demerit of perplexity.

But he has not all the demerit that has been thrown upon him by thoſe who call themſelves his admirers and followers. The *ſovereign people* (though that is not their opinion) derive no title from him. Even in his theory they are uſurpers, and muſt lay down their crown. Where the ſupreme power perſonal exiſts, the people, as the people, have no ſhare of it. I do not quote Rouſſeau as matter of authority. God forbid! Yet he was in intellect, as in imagination, far beyond his contemporary philoſophers, who perſecuted him ſo cruelly. And it is ſome matter of comfort when a man of ſome ſenſe does not ſpeak utter nonſenſe.

"It is contrary to *natural order*" (he ſays) "that "the majority ſhould govern and the minority be "governed." Nothing is more true. The majority never was, and never can be ſafe, but in the fair and ſettled rule of the minority. The French democratiſts of our days, who call or called themſelves the pupils of Rouſſeau, think very differently. Their rights of men, their *natural order*, require that the ſmall number ſhould be governed by the great. Twenty-four millions of men (or whatever more millions there are; all their boaſted metaphyſics reſolve into this right of majority) ſhould govern two hundred thouſand. This is the cry of their war, and the ſyllogiſm of their ſyſtem.

tem. We are told by a philoſophic prieſt (once a biſhop) that *all the errors and all the principles* aſſembled to fight, for the firſt time in the world, in the metaphyſic champain of France. *C'eſt le* premier combat (ſays this holy man) *qui ſe ſoit jamais livré entre tous les principes et toutes les erreurs.* They are a numerous hoſt:

> " Such forces met not nor ſo wide a camp,
> " When Agrican with all his northern powers
> " Beſieged Albracca."

But the moſt valorous knight, the grand champion, of this new chivalry, the maſter principle, inſpirer of wiſdom, whom all the ideal hoſt obeys, is the Preux Chevalier of the numeration table; far more redoubted than Sir Triſtram or Lancelot, or all the knights of the round table put together. Twenty-four millions of men! A thouſand echoes repeat the magical ſound; and the whole army of errors, generating and generated ſince the creation, (even Rouſſeau himſelf) fall before the ſpell. Yet ſtill, and after all, it remains the ſame truth it was before, that government indeed is conſtituted for the benefit of the many, for the benefit of all; but that the many may be benefited, that all may be benefited, the government, though not for the few only, muſt be by the few. As to this battle of errors and principles, its only reſemblance that I know (as it has been and as it is) is to a battle recorded in the moſt original of all the works of

Voltaire; and where the combatants had the misfortune to run mad:

" Tous contre tous, aſſaillans, aſſaillis,
" Battans, battus, dans ce grand chamaillis,
" Crians, hurlans, parcourent le logis !"

It is accordingly the firſt of all political truths, that the interpoſition of the body of the people in any other way than what is given by the conſtitution itſelf, is naturally to the effect of ſelf-deſtruction. Caſes of *neceſſity* are excluded; where the riſk of deſtruction is very virtue. But excluding them is the including all others. And in all caſes (neceſſary or criminal) it is of fortune rather than of wiſdom, when the people eſcape the temporary dominion of a maſter.

In England the people moſt certainly fell under it, at the times of which we ſpeak. Their recovery was not to their old freedom. It was to the half-waking and diſeaſed dreams of the new viſionaries. Alas! Gentlemen, they alſo found you not at the poſt, at which you had been left by them. Little was wanting *(their poſſets had been ſo drugged)* to make their ſleep the ſleep of death. It was otherwiſe ordered in the ſeries of things. But they only awoke to join ſenſeleſly and unconſciouſly in the firſt cry that fell upon their ears; and this cry was of the republican confederacy, now ſounding loudly throughout the nation. They did not find you, Gentlemen, at your poſt; nor have you yet returned to it. You were of that renowned

nowned body, whom the people of England had known ſo long; who, while guarding againſt the invaſions of the crown upon the popular part of the conſtitution, or of favouritiſm for theſe ends uſurping the powers of the crown, had thrown up alſo a bank and mound againſt the torrent of democratic fury. You were of that body, who had ſo often declared, that the rights of the people muſt ever be ſacred, that the hand of power ought not to be permitted to touch the meaneſt particle of them roughly; but who had at the ſame time declared, that they muſt be exerciſed through legalized organs, and that through theſe alone, a regular, a permanent, a vigorous, and effectual exerciſe can be accompliſhed. That the voice of the people is not otherwiſe articulate. The groans of deſpair, or the yells of fury; the ſobbings of oppreſſion, the ſhrieks of agony, or the ſhouts of exultation, might be expreſſed by the ſimple commoners of nature. The firm and manly language, the liberal and cultivated ſpeech of the human race, the truly divine voice of the people, never was and never will be heard, but from thoſe who are gathered into free governments, and who riſing above elemental ſounds, have combined them into the alphabet and grammar of freedom. This was the wiſdom they had formerly liſtened to; which patriotiſm had inculcated in the charms of eloquence, and the earneſtneſs of truth. They heard it from you no more, Gentlemen. And this is your condemnation. You were yourſelves riding

on the top of the popular wave. Nor had you any ſettled courſe; any one place of deſtination. All was uncertainty in this toſſing of the elements. Where you were was evil; this you declared; and this was all. You were not in direct alliance with the republican confederacy; but with them, in the tempeſtuous darkneſs of the times, you looked for light in the flames of France. You no longer read the book of government by the mild light of our old policy; but by the lurid gleams of a democratic furnace, "impaled with circling fire," you conned over the diſtracted annals and framed the wild code of chaotic domination. Shall you not return! Surely the apoſtacy cannot be for ever. No. No.! "There is hope in thine end that thy children ſhall come again to their own border!"

In this ſhaking of the nations, one man, a man of old Whig principles and old Whig courage, ſtood forth. In the former times, and during the prevalence of the court faction, and reprobating ſeverely the name they had inſolently aſſumed to themſelves of KING'S FRIENDS, he had pronounced (and they are recorded in his immortal works) theſe memorable words. "May no ſtorm ever "come which will put the firmneſs of their attach-"ment to the proof; and which in the midſt of "confuſions and terrors and ſufferings, may de-"monſtrate the eternal difference between a true "and ſevere friend to the monarchy, and a ſlip-"pery ſycophant of the court!" Theſe prophetic words, in the "Thoughts on the Cauſe of the pre-

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" ſent Diſcontents," pronounced ſo many years ago, were now in their awful completion. The time of trying the eternal difference was now come. The crown tottered on the head of every monarch in Europe. The billows of democracy were breaking over them. The ſound of the tempeſt had reached our ears even in this land. Who ſtands forward to ſtill the uproar; who caſts himſelf among the breakers to reſcue the diadem from the devouring ſurge! The defender of the throne was found in the camp of the people; of the people ſuch as they had long been known in England; in that camp where the banners of democracy never flew; a man who never having exalted the kingly powers ſo as to overſhadow the ſubjects' freedom, was equally bound not to permit the people to trample upon the crown. This part he acted under great difficulties; with no ſupport; againſt the moſt powerful oppoſition. Thoſe who flattered the crown in its ſecurity, were not to be found in the day of its danger. They trod not upon the high places of the field. He was deſerted by thoſe alſo whom loyal liberty ſhould have joined with him in this great battle of the conſtitution. Nor was it deſertion only; much as this would have unnerved any other arm. I will not ſtate it. But this I muſt ſtate. You ſaw the bacchanals of the French revolution let looſe upon him; to tear in pieces the honour of your party and the ornament of the human race. But

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they did him wrong, being ſo majeſtical, to offer him the ſhew of violence. It could not reach him. They might doom him to death; but he was fated not to die. His fame flouriſhes freſh and green; while he is encircled with new trophies of renown.

" Et duo rapta manu diverſo ex hoſte tropæa,
" Biſque triumphatas utroque ab littore gentes!"

He has championed the people and ſaved the throne.

He had no aſſiſtance. Even among the Whigs who did not fall, he had none. He was alone. No human being ever ſtood in the ſame ſituation. None.

The ſtrength of the miniſtry, the will of the nation, has now joined him. There are names alſo of thoſe, who ſeeing the danger have ſince done with him the duty of danger; wiſely and manfully. One name will live for ever; yet, in *my* feelings, there is ſomething to forgive.

The miniſtry are entitled to the praiſe of acting firmly, though acting lately. Alas! Gentlemen, (and it grieves me ſore) where ſhall grateful poſterity find praiſe for you!

Never ſhall I hear without indignation the abuſe and inſult thrown upon you by thoſe, who in thoſe firſt days of terror and diſmay, were burrowed in their holes, hid in their faſtneſſes; who, watched with cunning foreſight what was paſſing around; and, following the nature of their kind, were ready to fawn on whoever was maſter. The men in high office have (I think) behaved well. Adminiſtration

niſtration was obliged to guide itſelf by circumſtances of events; by ſeaſons and times. If I were called upon to juſtify them in every reſpect; I believe I could not. I think they allowed danger, dreadful danger, to come much too near. We are ſaved by that wonderful man of whom I have ſpoken. But yet as to miniſters, in the ſervices done we forget the lateneſs of doing them. Gentlemen, if theſe meaſures had not been taken, you would have ſeen this country like France. Thoſe beings who now inſult you; thoſe underlings who (after their courage was fairly rouſed) were of ſome uſe in throwing ſtink-pots, when all means of defence and attack were proper becauſe all means were neceſſary, and (now that the great neceſſity is over) ſhould be diſmiſſed, not diſgracefully, but yet diſmiſſed; thoſe beings might have been among your maſters in the new order of things, and proved to you (yet I am far from meaning as has been done in France) the bleſſings of your ſchemes and conduct. Again I ſay, Gentlemen, again and with earneſtneſs, your old principles are the only true principles. They are the only happineſs of the country; they are the only honour to yourſelves.

I ſhall ſay only a very few things more; and then take my leave of you.

Nothing is more frequent in the ordinary talking of the age, than to ſpeak about the popular origin of government. It is the chief *ignis fatuus* that has

has led you aſtray, Gentlemen. On this ſubject, there is a very ſtrong ſeeming inconſiſtency of Mr. Burke; which it ſurpriſes me much, that the *inconſiſtency-catchers* in republican pay have not fixed upon. As it is both an introduction to the argument we are upon and a part of it, I ſhall mention the thing very ſhortly.

In the repreſentation to his Majeſty, moved in the Houſe of Commons by Mr. Burke, on Monday, June 14th 1784, and ſeconded by Mr. Windham, it is ſaid, that the members of that Houſe are the *ſole repreſentatives of the people*. The Marquis of Lanſdowne had both before this period, and now alſo, maintained that the Houſe of Lords (it looks, but at firſt ſight only, a ſtrange thing in a democratic creed) were equally the repreſentatives of the people with the Houſe of Commons. He did not mean this in the way of vulgar rail lery, as if the Houſe of Commons were no re-repreſentatives at all; but really and *bona fide* putting in a repreſentative claim for the Lords. Mr. Burke reprobated this as moſt dangerous and unconſtitutional doctrine; ſuch as could not be tolerated in the ſtate. But, behold! Gentlemen. This very Mr. Burke had formerly ſaid and printed, that "the King was the repreſentative of the "people; ſo are the *Lords*; ſo are the Judges." I ſee that Mr. Burke's *inconſiſtencies* are now brought into courts of juſtice, to help out a lawyer at a dead lift; and in this way they ſeem to be far from unſerviceable. I am told they have even got into the

the Old Bailey. This looks like the thing going out. So that I ſhall receive no thanks for this preſent to the bar; certainly much better than any that has been given before it. However——

" A popular origin is not the characteriſtical " diſtinction of a popular repreſentative. This " belongs equally to all parts of government and " to all forms." All the parts of government have thus a common origin; but they have ſpecific duties and ſpecific rights, belonging to and to be exerciſed by each. " For it is not the deriva- " tion of the Houſe of Commons from the people, " which makes it in a diſtinct ſenſe their repreſen- " tative." King, Lords, Commons, have all equally a popular origin. All have not equally popular duties. The Peers of this realm are not elected into their Houſe by the people, more than the King is elected into his throne. They are there wholly independent of the people's choice; as the King is. Their order, though exiſting for the public good (as for the ſame ends the King exiſts) does not therefore exiſt for the protection in the firſt inſtance, and the ſafeguard of the people. Theſe duties primarily belong to the actually elected repreſentatives of the people; not to thoſe who in the general truſt of government may be generally termed ſuch. Hence, in a great and eſſential point, the invariable maxim of the Britiſh conſtitution is, that the Houſe of Lords has in no ſenſe the diſpoſal of the public purſe. A money bill is ſacred

to

to the Houſe of Commons. Though bound by every principle to be loyal to the King; it would be a notable inverſion of the conſtitution, to look to the crown in the firſt inſtance as the natural guardian of our popular rights. Though bound to reſpect and maintain an eſtabliſhed Peerage, it would be a ſymptom of a malady approaching to incurable, to eſteem their body either equally fitted from its nature, or equally deſirous with the other Houſe, to defend the people's privileges. They are there to defend the conſtitution in general, and to protect (in meaſure) their own order. The Houſe of Commons is in its place, to defend the conſtitution alſo, and to protect more peculiarly (yet here too in meaſure) the liberties of the whole commons of the realm.

It is thus, that this *inconſiſtency* contains the moſt neceſſary and beautiful and moſt conſiſtent truths; that every part of the government is a truſt from the people, but that the different portions have different and contradiſtinguiſhed duties. A weak intellect, unaccuſtomed to combine and diſcriminate, will find always the greateſt inconſiſtencies in the greateſt wiſdom; and the weaker the underſtanding and the greater the wiſdom, the inconſiſtencies will be the more. This debility of intellection is in the French ſchool now denominated metaphyſics.

I entreat the pardon of all men of ſenſe, for having introduced this legiſlative wiſdom as a matter of

of inconſiſtency; and for writing a commentary upon a text which is light itſelf as well as reaſon. But it is neceſſary and laudable nevertheleſs, to take that mode of doing any thing which appears to be moſt uſeful. There are a number of weak and ſilly men, in whom miſapprehenſion may be miſchief. Even they perhaps may be reached by a thing of this ſort. At any rate it was right to try. As to the others, whoſe buſineſs is to ſearch; if they are ever mended, they muſt mend themſelves; which will be no eaſy matter.

The truths themſelves are wonderfully important. While they eſtabliſh all government to be a truſt, they limit the interference of the people greatly; and mark the limits. To hold all the component portions of government to be equally under the controul (ſuch controul as ought to be exerted) of the people, would be a capital and grievous error in political ſcience. There ought even to be in all good governments, controuls *againſt* the people. Theſe too are themſelves truſts; but not truſts in the high ſenſe in which a choſen popular repreſentative body (which is a controul for the people) is a truſt. The Houſe of Commons as a part of the conſtitutional government is as much (it is true) beyond the people, as any other part of the conſtitution. But each Houſe of Commons, as conſiſting of individuals choſen by the people, to act more immediately on the part of the people, is peculiarly under the people's

ple's controul. It was the taking it from this liberal and dignified ſubjection, that made the danger formerly; when Mr. Burke truly ſaid, that "the diſtempers of monarchy were the great ſubjects of apprehenſion and redreſs in the laſt century; in this, the diſtempers of parliament." Afterwards and in our days the danger was made to be, the taking away its ſtability and independence, degrading it to the mere inſtrument of the people, or of the leaders of the people, in alliance with or (it might be) againſt the throne; and leaving it no root in the conſtitution to withſtand the ſhakings of power from any quarter. But independent and ſtable as the Houſe of Commons ought to be, (and, in its legiſlation, being as irrevocable as any truſt can be) yet ariſing directly out of the people, it is accountable to the people in a way in which no other part of our government is accountable; and different altogether (take it as the chief example) from the crown.

It is wholly from the want of political ſcience therefore (while we pretend to this ſcience ſo much) that the general truſt of government has been held out as ſubjecting it generally to a general account, when the people chuſe to call for it. The glory of our conſtitution, and its liberty, is, that the truſt is put beyond the ordinary reach of the people; that the watch over the execution of government is in the popular part of government, not in the people; and that it is only in the diſability of the former

former to do this duty, that the people (as not in an ordinary caſe, yet watchful over their repreſentatives as they ever ought to be) can interpoſe; the meaſure of the interpoſition being ſuited to the neceſſity of the circumſtances, and meant to preſerve from deſtruction not to deſtroy. For the people have even no power (no rightful power) of change, conſidered only as change; their reſerved interpoſition being a reſervation of political law, founded itſelf upon the compact of government and a part of it. To interpoſe for change, when the functions are performed, and in the capacity of performance, is power without right. Theſe are the principles. If the queſtion be of fact; then I am off. Like all other facts, it muſt be ſubſtantiated by proof; and like all other proofs, it will be allowed or not allowed, according to the nature and relevancy of what is offered. To aver boldly, and crave proof, is now the common engine of political deſtruction.

The Houſe of Commons being thus the controul for the people, ought to be independent of the people; otherwiſe it would be merely the people's controul. The Houſe of Commons being thus the controul againſt the executive power, ought to be independent of the executive power; otherwiſe it would as againſt the executive power be no controul. The Houſe of Commons being thus the controul for the people, ought to be accountable to the people; otherwiſe it might be turned againſt the people. The Houſe of Com-

mons being thus the controul againſt the executive power, cannot be accountable to the executive power, but ought to be intimately connected with it as a component part of government and to ſtand or fall together; otherwiſe it might be turned againſt the executive power.

Let me mention one circumſtance; and then I haſtily go on.

For many years previous to the 1784, the nation almoſt unanimouſly (and as I think very unjuſtly) had called out for the diſſolution of the Eaſt India Company. The preſs groaned under the multitude of publications in which that Company was attacked. The hands of miniſters were heavy upon them. The voice of the people was againſt them. The crown graſped at their territorial poſſeſſions. The nation claimed a free trade. On every ſide the Company was ſurrounded with dangers. Even thoſe who in other things oppoſed the views of adminiſtration, looked with the ſame evil eye upon this devoted Company. Throughout the whole kingdom they had no defenders, out of thoſe immediately belonging to the Rockingham connexion. Yet the cauſe of this Company (what was thought its cauſe) was made the cauſe of the people and the court in the year 1784. The India bill did not ſeek the diſſolution of the Company. Yet to touch their charter in the ſmalleſt point was now proclaimed as tyranny, by thoſe who had long called for its deſtruction.

Opinions

Opinions are now (or lately were) changing to deſtruction again. Indeed this will only be to do formally, what has been done ſubſtantially already. But; ſuch was the verſatility. There was much more. It was a matter (if any matter ever was) out of the common judgment of the people. The labours of two committees for years were preparatory to its introduction. The objects it comprehended were vaſt in their magnitude, and various in their relations. Much particular and much general knowledge was requiſite to form any thing like a correct judgment of the deſign, or to underſtand in their order the component parts, of this grand ſcheme. If the tribunal of popular appeal was ever an incompetent court, it was here. Yet upon this ſubject the court faction held the deciſion of the people ſupreme; that deciſion which (at a former period of this reign) they had rejected with ſcorn, and branded as treaſonable, in the caſe of their own election rights; which came home to their immediate buſineſs and boſoms, and lay within the compaſs of their common underſtanding. But it was not, that in 1769 the voice of the people was held as of rebellion, and in 1784 of reaſon and ſovereignty; it was not for this, that I have placed this ſtrange proceeding here. It was to ſhew how neceſſary the independency of the Houſe of Commons is; their independency even (and in the exiſting Houſe) of their conſtituents the people; their independency of the throne. It would require high genius and

much time, to explain all that a Britiſh Houſe of Commons is. There never was any thing like it any where elſe in the world; perhaps there never will be any thing like it. It is very filly ſtuff that thoſe men talk, who are eternally deafening us with the *reform of its repreſentation*. They are ſcarcely yet fitted to learn the elements of politics on a cake of gingerbread.

As to government then being a truſt; it is exceedingly true; though a truſt of very different definition and ſubſtance as in its different portions. There is a great deal of democracy in ſaying that the Peers are as much the repreſentatives of the people as the Houſe of Commons. It ſeems an ariſtocratic claim, but it is a democratic conceſſion. It is an invitation to pull down the Houſe of Lords, but not the individuals of the Houſe of Lords, when the *rights of men* require it; juſt as the people pulled down the Houſe of Commons, but not all the individuals of the Houſe of Commons, when the CHARTERED *rights of men* required it.

By the bye; the law of primogeniture ſeems not wholly to be aboliſhed in the new ſyſtem. When their elder brethren, the rights of men appeared, theſe chartered rights quitted the premiſes; while the entry of the others to the inheritance has been celebrated with great rejoicings, through the whole regions of the new ſway. Is it wrong in me to ſpeak in this ſort? How both theſe ſacred names have been abuſed!

From

From the general doctrine of truſt, wiſely conſidered and ſoberly; with the true courage of freedom and freedom's high reverence for what has created it; many uſeful documents may be drawn, and on it many be founded many deeds of virtuous glory. Let the people ever watch government; but let them not meditate anarchy. Let them exert their controul; but remember that it is controul only that they ought to exert. All government unqueſtionably originates from the people; but let them not therefore wiſh to make all governments reſolve into the people again. Their origin is high and noble; but let them not therefore, with a fooliſh pride, ſeek to diſplay at every inſtant the ornaments and trappings of their ſtation. Without all doubt the governors of the people are only their truſtees; but let not the people therefore recall their powers, or keep them in a ſlaviſh ſubjection to their will, merely to indulge the low vanity of ſhewing that abſtractedly they are the maſters. It is the ſure way to make themſelves the ſlaves of thoſe among themſelves whoſe minds are moſt ſlaviſh.

The evil concluſions that have been drawn from the doctrine of truſt in our days are many; ſome of the dreadful practices we have already ſeen, Gentlemen. My friend has made ſome of theſe concluſions; far indeed is he (far as any man) from any of the practices. But others will practiſe.

I am in debt to him on one ſubject; and there is another of ſuch importance that it cannot be paſſed over. He knows that I deteſt political metaphyſics; but I can alſo (juſtified by neceſſity) try my hand at them. Rouſſeau ſhall make my excuſe (yet my excuſe is otherwiſe obvious) for ſaying ſo little, by ſhewing that, even with leiſure and room, there is little to be ſaid. The paſſages are in the *Lettres écrites de la montagne*.

" L'art qu'il emploie le plus adroitement pour " cela," (ſays Rouſſeau of his adverſary, and whatever is ſaid to *him* is *not* ſaid to my friend) " eſt " de réduire en *propoſitions générales* un ſyſtême " *dont on verroit trop aiſément le foible s'il en faiſoit* " *toujours l'application.* Pour vous écarter de l'ob- " jet particulier, il flatte votre amour-propre en " étendant vos vues ſur de grandes queſtions, et " tandis qu'il met ces queſtions hors de la portée " de ceux qu'il veut ſéduire, il les cajole et les gagne, en paroiſſant les traiter en hommes d'Etat. " Il ebloüit ainſi le Peuple pour l'aveugler, *et* " *change en theſes de philoſophie des queſtions qui* " *n'exigent que du bons ſens*, afin qu'on ne puiſſe " l'en dédire, et que, ne l'entendant pas, on n'oſe " le déſavouer."

" Vouloir le ſuivre dans ſes *ſophiſmes abſtraits*, " ſeroit tomber dans la faute que je lui reproche. " D'ailleurs, *ſur des queſtions ainſi traiteés, on prend* " *le parti qu'on veut ſans avoir jamais tort:* car il " entre tant d'élémens dans ces propoſitions, on " peut

" peut les enviſager par tant de faces, *qu'il y a tou-*
" *jours quelque coté ſuſceptible de l'aſpect qu'on veut*
" *leur donner.*"

There never was more truth ſpoken. It is itſelf an anſwer to all the metaphyſics of France; even of the beſt kind. Why did Rouſſeau not obſerve his own rule? Indeed he recollects, in the very place I have quoted, that he had often broken it; and alleges for it a very ſilly reaſon. Far be it from me, however, to condemn the employment of intellect in the philoſophy of government. This is now more a duty than even formerly; to expoſe the crude abſtractions of the day. I do not at all like it; but I muſt have this conflict with my friend. However diſagreeable, it is a duty.

I promiſed formerly to confute, by explaining my friend's defence of the " grand *theoretic prin-*
" *ciple*," as he calls it, of the French ſyſtem; and I now do it. This principle, he ſays, is the aſſertion and protection of *the natural rights of man.*

My friend, in the outſet of his book, has found great fault with Mr. Burke for not giving a definition of the French revolution. What definition could be given of it, I know not, unleſs that it was a complex act of treaſon, robbery, murder, rebellion, and atheiſm. But my friend himſelf has done much worſe in giving us no definition of the natural rights of man. What are *the natural rights of man?*

I do not deny that myſelf or any body, endowed with a tolerable underſtanding, may know without any definition what are to be held the natural rights of man; and with ordinary virtue and courage may eſteem and defend them as moſt ſacred things. But in this matter of abſtract argument, without a definition of them, we may as well hold our tongues; and indeed much better hold our tongues. We can only babble.

At his very outſet, after bringing forth theſe natural rights of man, my friend in effect ſays, and indeed in terms, that there are no natural rights of man. The way in which he ſays this is curious. So far from a ſurrender, he declares, there is not even a diminution, of natural rights by entering into ſociety. He then ſays that there was no ſtate antecedent to the ſocial. If this was the caſe, there could indeed be neither ſurrender nor dimunition, by men entering into ſociety, becauſe men always were in ſociety. All rights were ſocial, and none natural. In this ſenſe by natural rights of man, my friend means man's rights in what has been called *a ſtate of nature*; and yet denying the ſtate, he denies the rights. Man has according to him only ſocial rights; and yet you will hear my friend immediately talking, and repeatedly talking, of his natural rights.

His charge againſt Mr. Burke is, the having ſaid that appeals to natural rights are inconſiſtent and prepoſterous, and that a complete abdication

and

and ſurrender of all natural right is made by man in entering into ſociety; and to prove this he quotes paſſages, where Mr. Burke ſpeaks of ſomething being abated from the full rights of men, and of their ſuffering ſome artificial poſitive limitation.

He next proceeds to ſtate, that a portion of natural right *is ſurrendered* by man on entering into ſociety, goes on to aſcertain the rule and meaſure of ſurrender, and concludes moſt juſtly, that we are not precluded in the ſocial ſtate from *any* appeal to natural right, (yet *what* natural right?) which remains, he ſays, in its full integrity and vigour, *if we except that portion of it which is ſurrendered.*

Then, he prefers the ſocial rights retained to the natural rights unſurrendered; for equality of right in a ſtate of nature is an impotent theory, he ſays; and it is called into energy and effect only by ſociety. Agreed.

Again, *the remnant of right ſpared by the ſocial compact* is equal, he ſays; there being *civil* inequalities, but no *political* inequalities.

If he means by this that though different perſons have different rights, yet all rights are of equal ſacredneſs and ſecurity; that my cottage is mine as much as your palace; that my rights of a commoner are as ſecure as your rights of a peer; that the ſubjects' rights are as ſtrong as thoſe of the magiſtrate; he then ſpeaks very great truths and very need-

needleſs truths. If he means any thing elſe; he muſt tell us.

And it ſeems as if he meant ſomething elſe; for he ſays, or ſeems to ſay, that all men have equally a direct original right in civil ſociety, to the ſame ſhare of power in the ſtate; which is certainly making every man have the ſame rights and not an equal ſecurity of rights.

He now goes to the application of his doctrine; that there are natural rights of man, and no natural rights of man; that man does not ſurrender theſe natural rights, and that he does ſurrender them; that man enters into ſociety, and that he does not enter into ſociety; and, in the concluſion, that a remnant of natural rights is found in the ſocial ſtate; which remaining rights are much better (and I heartily agree with him) than the whole natural rights put together.

In conſidering the practical uſes of the doctrine, he ſays that the ſlighteſt deviation from *it* legitimates tyranny. It is of much importance then that we ſhould know what *it* is. But we know *it* not.

Giving us no more knowledge directly, he yet negatively informs us, that it cannot be the ſuppoſed *convention* that is the criterion of government; for the only interpreter of the convention is the uſage of the government; which is thus prepoſterouſly made its own ſtandard.

In

In other words, there may be unfair conventions; and the conſequent injuſtice does not ſtrengthen the title, but take it away. I agree with him.

But how can we judge of the convention without ſome ſtandard, which is not itſelf? We cannot; it is certain. And what is this ſtandard? Man's natural rights; ſays my friend. But what are they? We ſtand ſtill, Gentlemen.

I am none of thoſe, who think that evil is good and good evil, by the conſtitution of man. French democracy will never be good, though it ſhould laſt for ever. Let us ſee what man's natural rights or his ſocial rights (or give them what name you pleaſe) are; thoſe rights which he *ought* to have; which ſociety is inſtituted to preſerve and increaſe, by protection, reſtraint, defence, limitation; uſing all wiſdom and all power, for the purpoſes of all good and all happineſs.

The rights of man are not created by the compact of ſociety; they do not exiſt but in the compact of ſociety. In the one ſenſe they are natural; in the other they are ſocial; and in the fulneſs of definition they are ſimply his rights.

They are his rights becauſe they are leſs than natural, They are his rights becauſe they are more than natural. They are his rights not becauſe they are ſocial but in being ſocial.

The criterion of government therefore, is not the

the ſuppoſed convention; and it is the ſuppoſed convention.

It is the ſuppoſed convention, if it be fair and juſt; it is not the ſuppoſed convention, if it be unfair and unjuſt.

At the ſame time, if by convention be meant what is called the *original contract*, it muſt be fair and juſt by its definition; for fair and juſt is another expreſſion for the rights of man; and the original contract is the rights of man.

If by convention be meant any particular government, into which the people, contrary to their rights, are either compelled or cheated, the force and fraud are grounds for ſetting it aſide, and not for maintaining it.

The oath of ſlavery is not binding. The King of France ſinned againſt his people, againſt himſelf, againſt his family, in not breaking (as he did not break) the oath of iniquity and compulſion, which he took on his pillory and renewed there. His keeping it was a crime; for which he can only be pardoned by poſterity, by its appearing that he could not break it. Could ſuch a thing be (with ſtable ſociety) as the puniſhment of Kings, the crime was here. One of his counſel from his name ſhould be a good man. But it was for this reaſon chiefly, that I would as ſoon have been his hangman as his advocate; and putting all conſiderations of the bloody farce out of the queſtion. I repeat it again; his innocence was his crime.

No;

No; convention (if this be convention) is not the law of government or ſociety. The ſovereign people in France broke their *voluntary oaths*, their oaths of their own framing. This was certainly guilt. An oath is indeed a ſacred thing. Yet it is better to break an oath of murder than to keep it. But they broke their oaths, to murder ſtill more; to maſſacre their brethren and their King.

That convention again, that contract, which aſcertains the portion of rights ſurrendered by ſocial man, which conſecrates and guards the portion of rights retained by ſocial man; what properly ſpeaking and alone are his rights; that convention, the law of ſociety, is the umpire of all ſubordinate pacts; which receding and approaching, in great diverſities of diſtance and nearneſs, according to all thoſe many cauſes which have made different forms of government relatively more and leſs fitted to different communities of men, are yet all to be juſtified in their departure, and all regulated in their approximation, by this univerſal law, this general reaſon of mankind. Any government founded in contradiction to it muſt be unjuſt. Many governments may recede much from it, and be juſt ſtill. While cauſes of diverſity in governments exiſt, it would be contrary to this general reaſon that they ſhould *all* be the ſame. While they differ, it muſt be according to a difference, of which this general reaſon, applied to the circumſtances, is the meaſurement and rule. And this, in a ſub-

a ſubordinate ſenſe, is the original contract of the community.

Such is the law of ſociety; the law of government. The uſage of government is not its law. The uſage of government, if not contradictory to the law of ſociety or government, gives great ſtrength and confirmation to its law, is the beſt interpreter of its law, and may become its law.

Still ſome perſon may inquire what is this law of ſociety, this general reaſon of mankind; and without any ſhame of ignorance one might ſay he could not tell him. If the words do not explain themſelves, it is not eaſy to explain them. Yet what I have already ſaid is a tolerable explanation.

It is not the abſolute rule of any government; and it is the juſtification of all government. I need not mention that I mean good and equitable government. It is alſo the juſtification of all liberty. When liberty is violated, men appeal to it. Men appeal to it, when government is diſobeyed. I mean extreme violation and extreme diſobedience; when ordinary authority is not acknowledged, and ordinary privileges are denied; in tyranny and in rebellion. Againſt claims of tyranny theſe true rights of man are produced, to ſhew that their freedom is before their government. Againſt claims of rebellion theſe true rights of man are produced, to ſhew that their freedom is in their government.

If any body chuſes to call theſe rights of man,

his

his *natural rights*; I have no ſort of objection. Only he who uſes the word ſhould know the meaning of the word.

They are not natural in the ſenſe of a ſtate of nature; becauſe man has more rights in ſociety and leſs rights in ſociety; that is rights *enjoyed*; than in a ſtate of nature; and in point of *ſecurity*, he has, in a ſtate of nature, no rights at all. Here I take a ſtate of nature for that rudeſt primaeval ſtate, in which there is no government, or nearly no government.

If by a ſtate of nature be meant that ſcientific ſcholaſtic term, invented to denote what is independent of ſociety and exiſts at all times, without any conſideration of any thing but itſelf; and if natural rights are meant of theſe; then the term is partly admiſſible and partly objectionable; admiſſible in that mens' rights are not created by ſociety; objectionable in that mens' rights fully exiſt only in ſociety. It is true that even thoſe rights enjoyed in ſociety and ſecured by it, are independent of ſociety as a *cauſe*; that is as we uſe the word *cauſe* in modern times; for antient philoſophy (whoſe metaphyſics to our ſore loſs have gone much into decay) would make ſociety the *material* cauſe in which thoſe rights of men inhered that were themſelves the offspring of general reaſon and juſtice; as it would alſo make thoſe rights the *final* cauſe of ſociety for whoſe conſervation it was inſtituted; but as an *efficient* cauſe it is certainly true, that

that even ſocial rights are independent of ſociety. The term *natural rights* may accordingly be uſed for this purpoſe and meaning, and to denote this difference. Yet this is denominating a thing from one of its qualities inſtead of from its eſſence; or inſtead of from all its qualities, which are to us its eſſence. It is beſides a fictitious denomination, even as of the quality.

There may be another uſe of the word *natural*, ſignifying what is univerſally acknowledged as juſt and reaſonable, what the old Roman lawyers called, in a ſupereminent ſenſe, *jus gentium*, co-extenſive and coeval with ſocial man. Cicero, who lived in the greateſt intimacy with the greateſt of theſe lawyers Sulpicius, has called this, in leſs ſcientific language, (and they alſo ſometimes uſed the popular phraſe) *jus naturale*, or the law of nature. In this way, we ſay natural reaſon, natural religion, natural rights; meaning in each and all of them, what are the ſimple, pure, perpetual, univerſal dictates of our feelings and underſtanding. In this acceptation of the term, an appeal to natural rights is juſt an appeal to man's reaſon concerning what are and ought to be his rights; that is an appeal to what he feels and knows has increaſed or diminiſhed his own happineſs, what he has heard to have increaſed or diminiſhed the well-being of others, what has been the beſt ſecurity againſt evil to himſelf, what the beſt ſecurity againſt it to others; that is an appeal to general convenience

convenience and utility through experience and hiſtory; that is an appeal to whatever in the *modern rights of men* is not appealed to.

I have always admired greatly the ſcientific diviſions and definitions of the Roman law; of that law in which the high ſcience of Greece was united with the legiſlative majeſty, the forenſic experience, and the judicial wiſdom and gravity of republican Rome; and of which the laſt oracles, with noble and truly republican minds, were therefore the victims of baſe imperial tyranny. I wiſh modern authors had never thought of giving any other definitions than what the Romans had given, of the law of nature, of nations, and of particular communities.

There is no modern author that I know of who has adopted the Roman definitions of the law of nature and nations, except Lord Monboddo; who, living as (as he himſelf ſays) in the antient world, enables thoſe who ſhare the charms of his ſociety (in his own *noctes cœnæque deûm*) to conceive what is the union of Grecian ſcience and Gothic gentility; to carry themſelves (in his converſation) to the times when Ariſtotle philoſophiſed or Douglas fought; and preſenting to the memory, in days that are no more, the palm of Athenian eloquence or the wreath of Scottiſh chivalry. In mentioning this name, I could not reſiſt the ſtrong impulſe that came on me from memory and feeling of high mental enjoyment, be-

gun (and ſince continued) in very early life; but I go on.

The law of nature, or *jus naturale*, was by the Romans defined to be that, which nature has taught to all animals; while the *jus gentium* (by which they did not mean, as we in modern times do, the *jus feciale*) was that which was common to men as among themſelves, and co-extenſive (as I have ſaid) and coeval with their exiſtence and habitation. This, in the ſenſe of being the law of ſocial nature, was ſometimes termed *jus naturale* alſo; but the ſtrict law of nature was that law of inſtinct and animality common to man with the animal creation.

By this means they avoided the ambiguous uſe of the word *nature*, which has certainly led to much confuſion; while the *jus gentium* explained itſelf to be the common law of ſocial man.

The *jus civile* again was the common yet peculiar law, the convention or compact, of each community. Their diviſions (I think) were good. But take them, or reject them, as yourſelves pleaſe. Yet do not reject this definition.

This *jus civile* Ulpian has thus defined;—*Jus civile eſt* QUOD NEQUE IN TOTUM A NATURALI VEL GENTIUM RECEDIT, NEC PER OMNIA EI SERVIT: *itaque cum aliquid* addimus *vel* detrahimus JURI COMMUNI, *jus proprium, id eſt civile, efficimus.* With this Roman wiſdom, I may juſtly ſay, *claudite jam rivos.* What could be added, or who would add more?

"Men

" Men cannot enjoy the rights of an uncivil " and of a civil ſtate together;" ſays Mr. Burke. Not that many of theſe rights are not the ſame; and while none of them can be in contradiction with or contrary to each other; but the limitation and aſcertainment of rights is the civil ſtate, while the uncivil ſtate is where they are not limited and aſcertained. The one ſtate is excluſive of the other; and there can be no appeal. The one ſtate is derived from and founded upon the other; and there is an appeal. Otherwiſe the civil ſtate would be of no ſtability or ſecurity. Otherwiſe it would be a ſtate of will and not of right. All theſe things were reckoned very plain, till the French metaphyſics came.

And my friend at laſt diſcovers that they are ſo; for light breaking in upon him, even in the darkneſs himſelf had created, from the great and conſtant illumination of his own mind, he catches it ſtrongly, and then ſhuts his eyes againſt it.

The great difficulty was, that if Mr. Burke (which my friend now began to ſee) had admitted all that was admiſſible of men's rights without unhinging ſociety and government; which was deſtroying their rights; while at the ſame time his doctrine was directly in the face of the French claims; then, in theſe circumſtances, he muſt abandon that *grand theoretic principle* of which he had undertaken the defence as either falſe, if it went beyond Mr. Burke, or nugatory, if it went

no farther; wholly idle in this laſt way as doing no good; or moſt pernicious, as being a cloak for evil; and (what was worſt of all) as in no way juſtifying, upon ideas of abſtract right, any of their actual proceedings. In theſe ſtraits what does my friend do? He wheels about completely. He does not merely wander as he had done before; but makes an abſolute change of his theſis. He makes the queſtion to be, whether having obtained an end we ſhould diſcuſs the aptitude of the means? which is, whether enjoying liberty, we ſhould aſk how we came by it.

Sometimes we ſhould, and ſometimes we ſhould not. If any body ſhould ſay to us that we had no right to liberty, it is proper that we ſhould be able to tell him that we have. At other times we may enjoy our freedom and be ſilent. As to the aptitude of means, an end being produced is a ſtrong preſumption that the means were apt. Yet as it may be otherwiſe, it is a liberal and a dignified inquiry for wiſe and grave men, to examine what means are beſt fitted to produce good ends; and I ſhall be ſorry for the day when ſuch inquiries ceaſe.

My friend enters into a long reaſoning on this ſubject. He goes into a ſublimity of morality that I cannot reach; and our buſineſs is not here with morality. His argument on the preſent ſubject has been partly conſidered before. So far as it touches this matter; from which he keeps at as

wide a diſtance as he can; it is, that general expediency ought not to yield to particular convenience. And in this reſpect there is no change of the argument from what it was before. I agree with him. Mr. Burke agrees with him. I mean generally; for my friend here ſpeaks very looſely; as will appear to him who reads on. The law of ſociety, the law of government; the general convention, the ſubordinate convention; theſe are the rules which are paramount and ſupreme; whoſe general authority prohibits all particular innovations; and which yet, being not immutable as in any community, are changed by the accommodation (which ought to be expedient alſo) of principles to circumſtances of ſituation and times. This is the principle of reformation, which is the combination of the principles of ſtability and change.

What has been more largely ſaid than I intended on this ſubject, will render me ſhorter on the ſubject that is to follow.

There is nothing that ſhews ſo much the impotence of underſtanding in the reaſoners of this age, as what has been ſaid concerning Mr. Burke's argument on the revolution ſettlement. I ſhall not go among the rabble, but confine myſelf to my friend; whoſe ſteps (even in his ſtrength and manlineſs of intellect) have in the ſomnambuliſm of French revolution been alſo found here.

That which they hold out as their great matter of triumph againſt Mr. Burke is his maintaining, in the terms of an act of parliament, that the hereditary ſucceſſion of our monarchy, was eſtabliſhed in perpetuity at the revolution. This my friend calls a "ſtatutory abolition of the rights of men;" and the power of the parliament to make ſuch a ſtatute he wholly denies.

If by rights of men he means rights out of ſociety, they were aboliſhed as to any direct and exiſting influence by the inſtitution of ſociety. If by rights of men he means ſocial rights, then inſtead of being aboliſhed by this ſtatute, they were exerted, (as it was neceſſary they ſhould be exerted) and by the body intruſted with their exertion, to ſettle the form of government; and had this parliament only made a temporary ſettlement, they would not have fulfilled their truſt.

It is quite needleſs to ſay any thing more. The reſt is proving day-light. But let us do it in this proving age.

Aye, but, ſays my friend, an irrevocable law had been made by the parliament of Elizabeth; and this irrevocable law was broken by the revolution parliament, who made another irrevocable law. Does not this ſhew that neither of them was irrevocable? There is ſome bar logic here, which would do in pleading a cauſe; but there is no reaſon.

Mr.

Mr. Burke, in plain common ſenſe, had thought that two ſtatutes, or more than two ſtatutes, declaring the hereditary nature of our monarchy, were ſtill ſtronger than one; and tha they were the more ſtrong for re-enacting the *principle* in the *very fact of deviation.* The deviation was thus ſhewn to be of temporary neceſſity; and the principle of perpetual law.

But can one generation bind for ever another generation? This is not ſo much of my friend as of Mr. Paine; at leaſt in words, but it is in principles.

This queſtion has been ſhewn to be nonſenſe by arithmetical calculation; there being no one generation that goes off at a tangent and by the maſs, to give place to another generation. There is a perpetual renovation and a perpetual decay, in a ſubject not for one moment the ſame. But taking the matter out of this, it is equally fooliſh.

One generation cannot bind all generations contrary to the rights of man, contrary to the fair and juſt pact of ſociety or government. They cannot even bind themſelves; and upon diſcovering the iniquity they ought in all reaſon and juſtice to amend it. But they can bind themſelves, and they can bind their poſterity, by a fair and juſt pact; otherwiſe there never would be any government.

If it be ſaid that a hereditary monarchy is inconſiſtent with the notion of a fair and juſt pact; this

is quite another queſtion. This is getting into the queſtion of monarchy elective or hereditary; of monarchy and republic; of one republican form and another republican form; and not of the people's right (which was never in the world before denied) of eſtabliſhing in one or other of theſe forms a juſt and permanent government; which the citizens were to defend with their lives and fortunes; attempts againſt which were treaſon, and treaſon was death.

If in order to preſerve the conſtitution thus formed, it be neceſſary in any caſe to deviate from its ſtrict rules, the deviation muſt be meaſured and juſtified by the neceſſity. According as the neceſſity ariſes, the deviation may take place either in the times of thoſe that made the ſettlement, or in the times of a poſterity, near at hand, or immenſely diſtant. The more diſtant, the more and greater neceſſity will be required for its juſtification. In a recent ſettlement changes may be made, which demand much more weighing in the ſacred tranſmiſſion of original rights, ſtrengthened by the conſolidated wills of a thouſand generations.

Among all the ſchemes of government that have ever been broached, none ever yet was propoſed carrying in itſelf, and having of its eſſence, the principle of its own ſubverſion; declaring and holding out this as its principle. Even the French abortions were held out as to live; and even as being

being immortal. If the revolution parliament had not *ſubmitted themſelves and their poſterity for ever*, they could not have renovated the conſtitution but deſtroyed it. All former parliaments when deviating by neceſſity from the conſtitutional line, re-eſtabliſhed the conſtitutional order after having made the deviation. The caſes had not been many. The revolution parliament did what former parliaments had done; and future parliaments (ſhould the caſe exiſt, which every citizen muſt wiſh never to exiſt) will do what the revolution parliament did; making change from neceſſity and ſeeking eſtabliſhment from choice.

*Salus populi ſuprema lex.* This was the old law. By it no generation can bind itſelf, can bind poſterity, againſt its own ſafety, againſt poſterity's ſafety. By it neceſſary deviation is itſelf a part of the covenanted conſtitution. The firſt of all duties is ſelf-preſervation. Violate the government to ſave the government. As to *voluntas populi ſuprema lex;* it is not to be found among the claſſics of liberty. It is uſed only by the writers *infimi ævi;* and, even among them, the direct abſurdity is not hazarded, that we ſhould eſtabliſh a government for the purpoſe of overturning it. Yet what they ſay is nothing elſe.

Before the revolution the ſucceſſion of the crown had been limited; and the hereditary ſucceſſion preſerved. By a ſtatute of Elizabeth (very different from the one my friend mentions) it was made

made treaſon to affirm "that the common law of "the realm, *not altered by parliament*, ought not to "direct the right of the crown of England; or "that the Queen, *with the authority of parliament*, "could not make laws of ſufficient force to li-"mit," &c. the ſame. 13. Eliz. c. 1. What of this ſtatute regards the power of parliament, (the King, Lords, and Commons) in the matter of ſucceſſion, was twice enacted after the revolution. The common rule, and the power of deviation from the rule, were thus both eſtabliſhed in the older as well as the later times. Yet the power of deviation would have been the ſame, though the ſtatutes had been ſilent. No law of the monarchy can be pleaded againſt the exiſtence of the monarchy. The *Salus populi* is again the ſupreme rule; but a rule which would defeat itſelf were the people to be (as ſpeculating on good and not indignant from evil) the ordinary judges.

I am weary of this ſubject. The affirming ſo many evident truths muſt give a man the vapours, I ſhall juſt mention one thing more.

My friend labours hard to prove that the revolution ſettlement was an election. In one ſenſe it was an election; for the next heir was ſet aſide. But his Jacobite member, for whom he makes a very good ſpeech, would have had nothing to anſwer to the plain declaration, that they had indeed deviated, for which they were ſorry; but had deviated as little as they could. At the ſame time

what

what is good reaſoning for a Jacobite member, is not good reaſoning for my friend; which he ſeems to have forgot ſomewhat.

He quotes ſome paſſages to ſhew that the Whig managers thought and meant it to be an election; *becauſe* when hard preſſed by their adverſaries (as I am *in this point* by my friend) *they could not wholly deny* that it was an election, while *they would not allow it* to be an election; and *diſclaimed the term as none of theirs;* and *becauſe* they declared the crown wholly inelective and hereditary for ever. My friend will not deny that he does all this.

Laſt of all, he declares his firm belief, that the revolution Whigs did every thing they wiſhed not to do, and did nothing they wiſhed to do. I can only ſay, that I think better of them; and here let the matter reſt.

And now I am out of the logical circle; and throw away my wand. The worſt of the thing is, that this matter of diſputation has now come in alſo upon private life. At an old dinner we are told, *qu'il y eut pluſieurs propos tenus tant de chiens, d'oiſauls, d'armes, que d'amours.* They did not ſuffer themſelves (and they were very wiſe) to be ridden by the night mare of ſome metaphyſic viſion.

My friend adds ſome praiſes of Fletcher of Saltoun and Buchanan. Fletcher was all honour, and Buchanan was all——Yet I would not like that Scotſman who did not glory in Buchanan; but neither

neither for his political conduct nor his political writings. The book *de jure regni apud Scotos*, is a piece of very elegant Latin; and it is a ſhame on that account that it is not more known. And there is no danger from it; *for it contains no principles*. It is innocency all over.

Fletcher (as I have ſaid) was all honour. He was the very pink of chivalry. There is a way now of making old renown cover preſent infamy; by which modern baſeneſs is led up in genealogy to antient heroiſm. In this way our democratiſts count Fletcher among them; that man of whom it was ſaid that he "would loſe his life willingly "to ſerve his country, and would not do a baſe "thing to ſave it!" He was a republican in the days that he knew. In the days on which we have fallen, he would have been a royaliſt. He would have been (without all doubt) in the emigrant camp, and carried Condé's banner.

I wiſh thoſe who praiſe his writings and conduct would think of underſtanding them. He appears to have thought, contrary to the modern ſyſtem, that men were of as much conſequence as their rights; or, to profane neither word (as neither word ſhould be profaned) that man's rights could exiſt only in a nation of men. "A good and ef-"fective militia" (he ſaid) "is of ſuch importance "to a nation, *that it is the chief part of the conſtitu-"tion of any free government*. For though, as to "other things, the conſtitution be ever ſo ſlight,

"a good

" a good militia will always preſerve the public " liberty. But in the beſt conſtitution that ever " was, as to all other parts of government, if the " militia be not upon a right foot, the liberty of " that people muſt periſh." And with regard to the Swiſs, he does not inquire into their ariſtocracy or democracy, nor ſpeak of primary aſſemblies and lawgiving clubs; but " the Swiſs" (ſays he) " at this day are the freeſt, happieſt, and the peo- " ple of all Europe who can beſt defend themſelves, " becauſe they have the beſt militia." The virtues of a militia (as we mean a militia) I much doubt. But this is all one to Fletcher's meaning. It is a public ſpirited and independent people, that makes a free and happy nation. A good conſtitution is only good as producing and foſtering this ſpirit. Without this ſpirit what ſignifies the form of a government! And with this ſpirit there will always be a good, and often the beſt form.

I will not argue directly againſt any reformations as in themſelves merely, that do not go in abſtract force to the diſſolution of government. They are otherwiſe all conſiderations of circumſtance; and like all ſuch conſiderations muſt be examined at detail and in many views. To conſider them abſtractedly is ſcarcely even worthy of the ſchools; for the ſchools may find many better topics. But the great reformation of our day, and what I am afraid the modern men are little fitted for, is recovering the high ſpirit and ardent virtue

that

that have ennobled this people. Our national character is ſtill excellent. Our private morals have withſtood corruption. But high public virtue has declined much; and this is what we ſhould ſeek earneſtly to reſtore.

As to the deluſive dreams of happineſs, the millennium viſions, that ſerve only to diſguſt us at all ſober exertions; let us baniſh them for ever. They are falſe lights that lead to deſtruction. Promiſes and ſchemes of high felicity have generally had the ſame objects, and always the ſame end.

——————" Zephyris illic melioribus halant
" Perpetui flores, quos nec tua protulit Enna."

It was thus the raviſher cheated the goddeſs when he led her to hell.

That league of univerſal peace, which is ſought through blood and crime, diſplays its nature by its means. On this ſubject what was ſaid ſome time ago, is much truer and more applicable than it was then.

*Contendunt, ſcilicet* οἱ Γαλλίζοντες, *acriter contendit* ὁ δεινα, *omnes denique ejus fautores* ὁμοθυμαδὸν και ὁμοφωνως *contendunt fore*, hoc fœdere perfecto, *ut Galli poſitis armis miteſcant, neque* ex occulto vel inſidiis *aliquid agant*. Dulce fateor eſt nomen pacis. Rem vero ipſam *cum jucunda et ſalutaris ſit*, quovis fere pretio emerim. *At verba hujuſmodi, utrum a* dolo *boſtium an* virtute *profecta ſint, haud quiſquam addubitaverit. At Gallos, quos* ἀνωλῶντας *crediderim*

*eſſe*

*esse μάλιστα ἀξιοπιστους, eosdem illos* tum maxime, cum dona ultro ferant, TIMENDOS *esse statuerim.* AT PACIS NOMINE BELLUM INVOLUTUM REFORMIDO.

This language seems indeed made for the present times. Its striking aptitude has appeared to others as well as myself. I had occasion to see a similar application in a very excellent piece of Latin; which the way it came into my hands alone prevents me from naming; and I mentioned the coincidence when returning it to the author. The οἱ Γαλλίζοντες (the double article cannot be helped) who are in the secret, cannot be mended. But the οἱ Γαλλίζοντες of foolish honesty (and therefore of much mischief) should indeed beware!

What he says of Lord Chatham is equally true, as applied to these affairs. We should have been in necessary and open hostility sooner. *Fulguraret more suo et tonaret contra eos, qui propter incertos exitus belli Martemque communem* nimio sunt in metu. *Diceret in senatu, esse omnino* fortium virorum, *quales nos esse debeamus, virtute præstare tantum, ut possint fortunæ culpam non extimescere.* This is the language necessary for the time; if ever any time made it necessary.

This blind hope of good, this bandaged wisdom, which catches at every flitting shadow in the obscurity of ideal reformation, is the most dangerous of all things. *Umbrarum hic locus est.* It excludes every real and living system of liberty; while the sword of reason is in vain drawn (and this itself is the

the chief evil) to diſperſe theſe thronging phantoms that obſtruct the way of truth; *tenues fruſtra diverberat umbras;* which are to it invulnerable. If things go on; they will be invulnerable to reaſon and feeling united.

It is a dreadful conſideration! A man ſettled and domiciliated in this new world, is wholly a new creature. All human thoughts and feelings are done away. He hears of the pouring out of blood by ſworn aſſaſſins, juſt as he would hear of murders (reported by Herſchel, from his teleſcope, as perpetrated) in the moon. It is really thus. And the thing is more dreadful (beyond conception dreadful!) that great humanity may itſelf be the cauſe of this. In the world of phantoms he has made, and where all is happineſs and peace, evil is to exiſt no more; and he thinks little of thoſe convulſive throws, that are wholly to do away, and ſo ſurely to deſtroy, political diſeaſes and death for ever.

No good man can indeed bear the preſent ſhock; and while theſe terrible things are in the very acting. When carcaſes were piled upon carcaſes in heaps, and lay (for days after days) rotting in the ſun, in the ſtreets of the French capital, even the new votaries turned away their eyes from this grand ſacrifice, that reeked on the new altar. But they only turned away their eyes. Its memory was ſoon no ſtronger, than when in general recollection (and without any proper image raiſed

raiſed in the mind) we barely remember, as bare facts, the altar of Peruſium or the maſſacre of Bethlehem. To ſpeak of the old bloodſhedding and the new, had alſo very different effects. In the former, (natural feeling having vent) to ſpeak was calling out pity and rouſing indignation. In the latter, (the new civic philoſophy coming forth) to ſpeak was apology or juſtification.

This deſcription of men are but few. They are not of the common herd; and ſome of them are not nearly ſo far gone in the deluſions. As to the great maſs of unthinking men, whom inſtant and plain danger, or inſtant and plain advantage, happen to draw off from ſchemes where they ſaw no danger, and thought they ſaw their advantage much; there is in them, when the times are more calm or more troubled than now, great and imminent (though unmeant) miſchief, to the ſtate and to themſelves. One leſſon they ſhould eſpecially learn.

Evils do not juſtify evils. The murders of Auguſt are ſtill the ſame, notwithſtanding the murders of September. Yet there are arts employed, by which the unguarded mind is led to give confidence to one ſet of murderers and villains, becauſe they have been ſucceeded by another (and not always another) ſet of murderers and villains. The thing will be cleareſt by an example. And there is a very ſtriking one, in a noted murderer and villain, Briſſot. There are others beſides (Ro-

land, and ſuch as Roland) concerning whom men hold the ſame dangerous language. It is indeed dangerous!

This being (none of them can be called men) was not a member of the firſt National Aſſembly; but he was one of the maſters of that Aſſembly, as a member of the Jacobin club. He had diſtinguiſhed himſelf greatly from the beginning; but on the 10th of July 1791, he exceeded even himſelf. It was then, after the King and Queen of France had been again led in ignominious triumph before their ſubjects, and when the laſt effort for ſaving themſelves and their people from deſtruction had failed, by their being ſeized at Varennes and conducted back to their priſon, that Briſſot made his ſavage ſpeech in the club of the Jacobins, for the immediate murder of the King. His ſpeech was printed; and by order of the ſociety. It belongs to the hiſtory which I have omitted, to tell how this deſign (not from any motives of good or mercy) was not at that time accompliſhed. A full year intervened; and then came his 10th of Auguſt 1792; which, after the due progreſs of all the new tortures preparatory to death, had its fated completion in his 21ſt of January (was it! for I do not certainly remember, and ſhall never ſeek to know this blackeſt of all days in the world's records) by an aſſaſſination, for which there is no name. It is ſaid that this man (muſt I ſo term him!) did not equally direct the maſſacres of September. On

this

this account (and I am far from knowing that the fact is true) he is now given out as a perſon of moderation; thus among multiplied crimes making one crime the leſs a title of virtue; and not even one crime the leſs, being (only as unneceſſary or deſtructive to his power) abſtained from even criminally. The ſame thing is doing, in ſome meaſure now, as to Petion; to Petion, a being, in my ſincere belief, wickeder much than Marat. It is a great engine of iniquity, the ſpeaking now only of Marat and Roberſpierre. The *Mountain* has exiſted from the firſt; and Necker complains of it even in his time; in the conſtituting aſſembly. There are oppoſing factions among the wicked men in Paris, who had and have, who poſſeſs and ſeek to recover, their power. The prevalence and crimes of the one, if made to drive from our minds the crimes in the prevalence of the others, is a ſure means of complete impunity for what has been done, and of full licence to do more. Even if mutual deſtruction were neceſſary for their ends; or thought neceſſary; the murderer that murders his fellow murderer, does not take away his crimes in his blood. Let us not ſo miſerably deceive ourſelves. Let us not thus debauch our morals. Let us not thus prepare our own deſtruction. He who has double diſtanced his competitors in the race of crimes, walks over the courſe for ſome time; but it is not a long time. Other runners ſoon appear for the popular plate. This has been the ſuc-

ceſſion of wickedneſs in France. He is equally criminal, whoſe condemnation is not of all equally.

Compaſſion for ſuch men when they fall (if compaſſion for ſuch men can exiſt) is great guilt. The puniſhment of tyrants is, without queſtion, conſolatory to the human mind. *How hath the oppreſſor ceaſed!* is the exulting expreſſion of divine inſpiration. The nobleneſs of feeling is indeed taken away when oppreſſors only periſh by oppreſſors. The lengthened cruelties of democratic vengeance might alſo pain and diſguſt us; while we ſaw beſides moſt forcibly the deep iniquity of the hand that gave torture or death. But to loſe all ſenſe of retributive juſtice (even in wickedneſs puniſhed by wickedneſs) is to have a compaſſion either created by, or which will infallibly create guilt and crime.

It is an old Greek ſaying, that a ſhort time diſſolves the connexions of the wicked. It is equally a truth, that a ſhort time reſtores the connexions thus diſſolved. For purpoſes of wickedneſs they ſeparated; and for the purpoſes of wickedneſs (when they cannot otherwiſe be accompliſhed) they will unite. Even their remnants will do ſo; ſhould their ranks be thinned by mutual murder. The only conſequence of the victory or of the union will be, the taking ſtill more bloody ſecurity for themſelves and their future ſafety. In this courſe of carnage they will not pull up, till they are far paſt the winning poſt.

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It is impoſſible to hinder the books from being printed; but if they are read in the ſpirit they are written, our morals are for ever gone; thoſe books, which, deſcribing maſſacres, draw not ſo much the comparative lines of enormity, (much and deep iniquity though this would be) as the approaches among them to innocence or juſtification; where thoſe who do not wiſh for murders that deſtroy their own power, are therefore held guiltleſs for murders to obtain, or while poſſeſſing power; where blame (for, gracious God! it is only blame) is dealt out, after much weighing and conſideration, ſparingly and cautiouſly, with all the poſſible reſtrictions and palliations. Such things are much more dangerous; of that there can be no doubt; I think them even, and without any regard to the danger, much more criminal, than any direct (even though it ſhould not be of enthuſiaſm), or any open apology and vindication. He who ſhould make a ſet diſcourſe to prove that a man ſhould not kill his father, might prove that he ſhould kill his father. The mind that once reaſons on theſe things, has loſt all feeling of their enormity. It may be pretended; but it is not.

On the head of morality, if we are merely to reaſon, where will be the difference between *Brutus* and *Jean de Brie!* Oppoſite wickedneſs will ſay that there is none. I ſhall here ſay nothing. But he who wiſhes on this matter to ſee the picture of heroic virtue, as ſeized in all its lineaments

by eagle-eyed intellect and heroic feeling, will find it where Monteſquieu, in his work on Rome, ſpeaks of Cæſar's death.

If we merely reaſon, that is, if we throw away the one half of our nature to debauch and ſtupify the other; in this metaphyſical delirium, in this chaſe of univerſal good, we may come to perpetrate any thing. The moral preſſure being removed, and all the parts of our ſyſtem receding from each other, it will be finally annihilated in the burning vapour and dreadful exploſion of the new French calorique!

Univerſal good will juſtify (this cannot be too much preſſed, it will certainly juſtify) any kind of evil. How ſure ought we to be of the conſequences, before we adopt a principle of conduct that muſt and ought thus to juſtify all conſequences! There is no doubt that under the dominion of a good God, all evils will in the end be made bleſſings. But the goodneſs of God does not juſtify the wickedneſs of man. Even in the act which wrought out the ſalvation of our race, was there on this account leſs guilt and horror, in the ſhocking imprecation of—*His blood be upon us and on our children!!*

I have raiſed an image at which my ſoul recoils; and I ſhudder all over. But the moral truth is juſt the ſame. Indeed, indeed, it is. We yet all know it.

Let us then be men; and guided by the principles and feelings of men. Let us ſeek good and hap-

happineſs with earneſtneſs, but with wiſdom; firmly yet moderately. Let us ſeek them, where the ſtill voice of truth is heard, in its own haunts, and in according harmony with the voice of natural feelings; in that real philoſophy, "muſical as is Apollo's lute;" and not in the dark howling deſerts of democracy, where human monſters gorge themſelves with human victims; while

"Before them, death with ſhrieks directs their way,
"Fills the wild yell, and leads them to their prey!"

Let us be aſſured, as the firſt leſſon of all reaſon and juſtice, that good ends are always ſought by good means.

There are indeed deviations in morality as there are in the conſtitution of governments. *Splendide mendax* and *magnanima menſogna*, were not imitations of each other; they were the natural exclamations of approving moral feeling in thoſe diſtances of times. We conclude from reaſon (and were the ſphere of our intellect extended more, we might ſee) that theſe deviations were in fact themſelves part of the great moral rule of the univerſe. In the mean time to us they are deviations; which neceſſity only can juſtify, and when thus juſtified are our moral glory. Deviations from the the great ſtanding moral rules are (all) high crimes or high virtues. None of the laſt ſort were ever atchieved by him who ſet at nought the general rules.

In Briſſot's infernal ſpeech, even *his* ignorance (increaſed by the aſſiſtance the art of printing gave it) quoted authorities of aſſaſſination. Among others he built much upon Mariana; *who had laid it down as lawful to murder and poiſon kings.* The ſame morality he might have found in all the *Jeſuits* of that age (of whom the modern moraliſts are only the copyiſts); who holding ends to juſtify means, deſtroyed the obligations of promiſe and covenant, that faith might not be kept with heretics; and taught in expreſs terms that aſſaſſination was no crime. The ſplendidly logical examination of theſe doctrines is to be found in that eternal honour of French literature, the *Lettres Provinciales.* Had this book gone on, a long account was to have been given of the doctrine of *non-reſiſtance and ſ* *ubedience* in England, as ariſing from this doctrine of general aſſaſſination. It is a conſideration that throws great light on our conſtitutional hiſtory. In the mean time, let us return to where we were; and be perſuaded that good ends are always ſought by good means.

In ſeeking theſe good ends, and employing theſe good means, we ſhould be careful who are our guides and our aſſociates. Far am I from excluding any man from this good work, who has honeſty and underſtanding: but it is a ſure proof that the perſon wants one of thoſe qualities, or both,

both, who pretends a general miſſion of citizenſhip for reform and change; and who places his call and his ſchemes on the ground of general right, or for the purpoſes of general equality. He who is to reform aright, will reform according to what the ſtate is, not according to what is out of the ſtate; unleſs in caſes where the ſyſtem is contrary to man's rights; which is the abolition of tyranny, not the reform of government. Even in this caſe, ſuch propoſitions are to be examined with care, as they will be produced with fearfulneſs; that fear of a man's own judgment, which at laſt gives true courage to his conduct; but a courage which he will never exert unleſs with prudence; that prudence which, at once comprehenſive and minute, perceives the dangers and the advantages, their general and their relative effects, where the one ſort is balanced or outweighted by the other, what wiſdom ſhould hazard boldly, what it ſhould abſtain from with ſelf command; failing nothing in firmneſs, ſinning nothing in raſhneſs. This is political prudence. I do not rank it too high; nor aſcribe to it more qualities than are its own. Prudence, in its proper ſenſe (I do not mean timid ſelfiſh cunning), as that enlarged wiſdom which ſhould guide all public and all private conduct, has been called the Queen of all the Virtues. It is right that they ſhould all attend around her; to do her homage, and to grace her court.

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This political prudence is not confined to any ſet of men; though it can be acquired only by its own ſet of means. Out of the maſs of the people in all free governments, individuals ariſe to take the ſtations and do the duties of wiſdom and power. Mr. Paine has ſaid, that France "has out-"grown the baby cloaths of *Count* and *Duke*, and "breeched itſelf in manhood." He had not learning enough to mean a pun; which he might have otherwiſe made; that France, notwithſtanding the reign of the *Sans Culottes*, was ſtill *Gallia Braccata*. What beſides he meant it is needleſs to inquire. But he obſerves one thing, in which I do agree with him; that there are *nobles of nature*; and while theſe nobles of nature laſt, I will tell him, there will alſo be *nobles of the nation*. Thoſe who run down the diſtinction of ranks, and the inſtitution of nobility, are not nobles of nature. No rank indeed ought ſo to be excluſive as into which virtue cannot be raiſed. My veneration for rank and birth (and it is a natural veneration to us all, and needs to be forcibly excluded) is as high as can be felt by any man. But he who truly venerates rank and birth, will never wiſh it to be excluſive; even though excluſion did not take away perpetuity. He will wiſh it to be reaſonably open.

> "Which way or from what hope doſt thou aſpire
> "To greatneſs?"—

is the queſtion of equality and ſlavery; where all exaltation is of the gift and the taking away of the maſter:

maſter: where there being no nobles of nature, there can be no nobles of the nation.

> " Great acts require great means of enterpriſe;
> " Thou art unknown, unfriended, low of birth,
> " A carpenter thy father known, thyſelf
> " Bred up in poverty and ſtraits at home."

Theſe were the words, and the former was the concluſion from them, ſaid to be addreſſed by the devil himſelf to the Saviour of men; when by divine permiſſion he had power over him for forty days: and they are ſuch words and ſuch concluſions, as thoſe who reſemble that ſpeaker, will at all times make and employ. Yet notwithſtanding, and to preſerve the rights and privileges of this high natural caſt itſelf, the road to power ſhould not be eaſy, nor even put in the common acquiſition of common wiſdom; while that people who do not perceive fraud or folly in the mere general pretences of general reformation, grounded upon equal claims of right, will incur the double miſery and crime of giving low maſters to themſelves, and of excluding from all power and depreſſing wholly that natural ariſtocracy, which at once balances and recruits the high actual ariſtocracy; and which, in times of danger, is itſelf the great arm of popular exertion and popular ſtay.

Speaking of nobility, it was one of the ſubjects on which I intended to have ſaid much. It is a very ſtriking thing, that Paine, and all the enemies of

of nobility, knowing that in man's nature there muſt be rewards, propoſe for that purpoſe perſonal diſtinctions. I do not ſpeak of the impoſſibility of perſonal diſtinctions not becoming more or leſs hereditary. This has happened in all caſes, without any exception. But in talking of theſe baby-clothes, they put them on the man, and will not allow them to go to the child. But leaving ſuch prattle, and in moſt ſerious ſpeaking, nobility that is not hereditary (as all nobility Roman and feudal has been) can be of no uſe in the way of reward. He will never do any thing worthy of reward, who is to be ſatisfied with the gewgaw given to himſelf, and that is to be carried on his coffin to his grave. It is the founding a family; the living in repreſentative nobility through ages. I could eaſily enough conceive a man that was married (and in ſome caſes where it has been done, it may have been on this ground) declining a title for himſelf, and wiſhing it moſt earneſtly for his wife; himſelf a commoner, the huſband of a peereſs, and the father of a peer.

Beſides this care in chooſing our aſſociates and guides, we ſhould not even ſeek good ends and by good means, merely becauſe the ends are good and the means are good. We ought to be ſatisfied with leſs than perfection. "That ſtate," (Mr. Burke ſaid this long ago, and when there was no controverſy about France, and when he was ſtrongly pleading in behalf of the people, and at the

the people's earneſt requeſt, and for which he was *covered over with the formal thanks* of almoſt the whole nation; " that ſtate," he ſaid) " which lays " its foundation in rare and heroic virtues, will " be ſure to have its ſuperſtructure in the baſeſt " profligacy and corruption." Perhaps the greateſt exertion of high public ſpirit is in reſiſting the allurements of indefinite good. This is true virtue. Perhaps; and going to taſte, a natural companion of virtue; in conſtitutions of government true taſte may have a perception of the ſame ſort, as in eſtimating female beauty; where the eye reſts with delight on that faſcinating appearance, that *morbidezza*, which is not the oppoſite of health, and yet is not health full blown and robuſt; and of which the charms are indeſcribable. There is certainly an alliance in all matters of juſt intelligence and true feeling. I am not ſure that I could wholly like a man who had nothing bribeable in his nature. I am ſure that a virtuous man with ſomething of that diſpoſition, would be the moſt inacceſſible to corruption. It is time enough to live among angels, when we are dead; and we will be the better fitted for their company that we live well as among men; which we can only do by not ſeeking to live better than men. To take another inſtance; and one which has never failed. In all times (and where nothing was done contrary to man's dignity) an inconteſtible ſign of independence of mind and heroic ſpirit, has been

ſubmiſſion

ſubmiſſion to the will of a woman. Our human nature is the compoſition of many principles; and it exiſts only (as it ought to exiſt) in the full and according energy of them all.

As to the people; if they ſeek good without feeling grievance, we may be ſure they are wrong. In the old times, the voice of the people was never heard but from oppreſſion; and it was therefore a ſacred voice. Now it is heard from ſpeculation; and it is therefore the voice of crime and iniquity. Long ago, they ſpoke from feeling; and he who refuſed to liſten to them could not be guiltleſs. It was the voice of God in the natural expreſſions of the mind of man. Now they ſpeak from airy hopes of imaginary bleſſing; and he is criminal who does not warn them of their real danger, that will thus ſurely be brought on. It is the voice of ruin and ſin, in the fabricated language of that being who rejoices (it is ſaid, and as the enemy of man) in ſin and ruin.

There are other things; and againſt which we ſhould moſt anxiouſly guard ourſelves, in theſe days and principles of change. But at laſt, Gentlemen, we muſt part. I can aſſure you, in taking my farewell, that there is no living man who is leſs your enemy; perhaps none who, in real warm honeſt feeling, is more your friend. There is no living man who looks with more affright, who feels higher indignation, at the horrid injuſtice and dreadful ſcenes that are now paſſing in other countries

tries than France, and in which the actors are not Frenchmen. Yet knowing that I have ſtrong paſſions, it has been my endeavour (and not always unſucceſsfully) to retain as much as I could my maſtery of reaſon. I have ſaid much about feeling, and the neceſſity of guiding ourſelves by natural feelings; but I mean that feeling only, which coaleſces with and is controuled by reaſon; that plain ſimple ſentiment, which is reaſon's ally and inſeparable companion. One of the great evils in the new morality, is this very ſeparation of feeling from reaſon made at the perſon's own pleaſure, and as his own ſtandard. It was much preached, and (what did not always happen with what he preached) much practiſed by Rouſſeau. I heard one of the beſt men that breathes, even after reading Rouſſeau's confeſſions, ſay that he had great admiration of his independency. No doubt, it was a very ſtriking quality in him; mingled up (as all his qualities were) with great inconſiſtencies. And if a man will renounce all ſocial virtues, he may indeed ſubſtitute this compoſt of his own inſtead of the natural union of ſentiment and reaſon; and with no detriment (if he be not a teacher of mankind) to any other than himſelf. If the perſon is to act in ſociety, he will be very dangerous in the ſociety that allows him to act. Natural feeling, therefore, and natural reaſon, if not one and the ſame thing, are in conſtant conjunction in all truly reaſonable actions, or in all actions of

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real and true feeling. When they are fatally ſeparated, a man might commit ſuch deeds as would, in the remembrance, daſh for the time the felicities of heaven.

On this account, when I turn my eyes to Poland, I take care that my paſſions ſhall not be alone. There is a very plain and obvious rule of morality, which will keep us from going aſtray.

Beſides the mere feeling of moral indignation (which you, Gentlemen, of all others, will tell us is no juſtification of an interpoſition leading to war) what ground of policy would demand our interference in the affairs of that vexed and ruined kingdom? Policy could give us no other reaſon, than what (before the new hatred of war began) was called the balance of power in Europe.

Beſides the mere feeling of moral indignation, ſtronger much than even as to Poland, what ground of policy demands our interpoſition in the affairs of France? I leave here all the ſmaller facts which in diplomatic policy (and with the greateſt reaſon) juſtify the war, and the interference which led to it. Policy (high and enlarged policy) gives us a reaſon it never before gave to men; the exiſtence itſelf of human ſociety!

In ſuch a ſituation, gentlemen, duty is evident. We are thus alſo furniſhed with a ſure criterion to judge moſt accurately of what men mean. To bewail the fate of Poland, as in mere human feeling, becomes us all. To lament it with that high indignation,

dignation, which leads to arm againſt its oppreſſors, is a ſpirit of chivalry; a ſentiment which I myſelf think ſufficient (where there are not ſtrong oppoſing duties) to arm nation againſt nation. But he who has this ſpirit, muſt have had it rouſed to all its pitch in the cauſe of human nature againſt the oppreſſors of France. It is, therefore, in the friends of thoſe oppreſſors, or in thoſe who are not enemies to them, a pretence only. Poland is lamented from hypocriſy, that France may grow ſtronger in crime.

He who really laments both, will ſee his way very clearly; though it is a way that he will tread with mournful footſteps. He will do the preſent duty; which is irreſiſtible and inſtant. He will at the ſame time declare all the opinions and take all the meaſures, that may enable him to do future duty; and that do not lead to preſent inefficiency or overthrow. If the moſt compulſive duty ſhall appear to be inconſiſtent wholly with even theſe precautions and meaſures, he will not take even theſe precautions and meaſures. His feelings then as to France and Poland will have this difference. Indignation in the caſe of France, higher far, will yet have vent; while he compenſates preſent calamity (and thus having the means) with future bleſſings and reparation. As to Poland, having no hope and being deſtitute wholly of all viſible means, the indignation recoiling on the mind, and there ſhut up without poſſible out-

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